



Massachusetts Department of
ELEMENTARY & SECONDARY
EDUCATION

Application for a Massachusetts Horace Mann Public Charter School

2011-2012

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QUESTIONS AND ANSWERS

Definitions

Q. What is a charter school in Massachusetts?

A. A charter school is a public school that is governed by a board of trustees and operates independently of any school committee under a five year charter granted by the Board of Elementary and Secondary Education (Board). It has the freedom to organize around a core mission, curriculum, theme, and/or teaching method and to control its own budget and hire (and fire) teachers and staff. In return for this freedom, a charter school must attract students and produce positive results within five years or its charter will not be renewed. There are two types of charter schools, Commonwealth charter schools and Horace Mann charter schools. Horace Mann and Commonwealth charter schools differ in that a Horace Mann charter school must have its charter approved by the local school committee and, in some cases, the local teacher's union in addition to the Board.

In addition, the revision of M.G.L. c. 71, § 89, in 2010 created three types of Horace Mann charter schools, each with a particular set of requirements. A detailed, side-by-side comparison of the three types will be available on the Department's website. Requirements for involvement of the collective bargaining unit vary by type. To the extent provided by their charters and as agreed to in a memoranda of understanding (MOU) with the school committee, as well as the faculty and relevant collective bargaining units, Horace Mann charter schools may be exempt from certain provisions in local collective bargaining agreements. Employees of a Horace Mann charter school, however, remain members of the local collective bargaining unit; continue to accrue seniority; and receive, at a minimum, the salary and benefits established by the local collective bargaining agreement. The statute and regulations governing Massachusetts charter schools can be found in Appendix A. All charter schools, including Horace Mann charter schools, must complete the Department's opening procedures process prior to opening.

Q. What are the three types of Horace Mann charter schools?

A. The three types are:

Horace Mann I: Open to any district for a new school. The application must be submitted with the approval of the local collective bargaining unit and the school committee in the district in which it is located. Any MOU modifying provisions of a collective bargaining agreement must be approved by the school committee and collective bargaining unit and is submitted with the application.

Horace Mann II: Open to any district for conversion of an existing school. Horace Mann II applications may be submitted at any time however, the process for review remains the same as that for all other Horace Mann and Commonwealth applications, with similar periods of time for review of the prospectus and final application, and charter granting. The application to convert an existing school is submitted with the approval of the school committee. Any MOU modifying provisions of a collective bargaining agreement must be approved by a majority of faculty at the school, with the vote to be held within 30 days of submission of the application. While the Division of Labor Relations has not yet ruled on who must sign an MOU for a Horace Mann II school, it is our understanding that the school committee and the collective bargaining unit(s) must agree to any changes in the relevant collective bargaining agreements. We encourage Horace Mann II charter school applicants to consult their own legal counsel regarding these issues.

Horace Mann III: Open to any district for a new school. Not less than four must be located in Boston. The application must be submitted with the approval of the school committee. An agreement with the local collective bargaining unit is not required prior to Board approval, however, the charter school's board of trustees must negotiate with the collective bargaining unit and the school committee in good faith regarding any modifications to collective bargaining agreements following the award of a charter. While the Division of Labor Relations has not yet ruled on whether changes in collective bargaining agreements required by a

charter may be implemented without the agreement of the relevant collective bargaining unit(s) for Horace Mann III charter schools, it is our understanding that the charter may be fully implemented if an agreement on such an MOU is not reached at least 30 days before the school's scheduled opening. We encourage Horace Mann III charter school applicants to consult their own legal counsel regarding these issues.

Q. What is a proven provider?

A. Applicants in districts that have performed on the Massachusetts Comprehensive Assessment System (MCAS) in the lowest 10 percent statewide for two consecutive previous years and where the 9 percent net school spending cap has been or is expected to be raised, must meet the definition of proven provider in 603 CMR 1.02:

- (a) two or more persons who had primary or significant responsibility serving, for at least five years, in a leadership role in a school or similar program that has a record of academic success and organizational viability;
- (b) a non-profit education management organization or non-profit charter management organization, in operation for at least five years, that has a record of academic success and organizational viability;
- (c) the board of trustees of an existing charter school that has a record of academic success and organizational viability; or
- (d) an education management organization or charter management organization that has a record of academic success and organizational viability and with which an applicant proposes to contract.

Q. What are the qualifications to achieve proven provider status?

A. The regulations, in 603 CMR 1.05(2), define the qualifications of a proven provider as follows:

The applicant must submit evidence satisfactory to the Commissioner to demonstrate a significant management or leadership role at a school or similar program that is an academic success, a viable organization, and relevant to the proposed charter.

- (a) The applicant shall submit a detailed description of role(s) and responsibilities at the successful school(s) or program(s).
- (b) The applicant shall submit data demonstrating success in student academic performance and evidence of academic program success, including but not limited to:
 - i. proficiency levels on the Massachusetts comprehensive assessment system or equivalent assessments for all students and for one or more targeted subgroups as defined in M.G.L. c.71, § 89(i)(3) which are similar to statewide averages in English language arts and Mathematics for all students in Massachusetts in comparable grades, over no less than a three-year period for cohorts of students;
 - ii. student performance on other standardized tests over no less than a three-year period for cohorts of students, if available, which demonstrates student achievement levels that are similar to statewide averages in English language arts and Mathematics for all students in Massachusetts in comparable grades;
 - iii. attendance, retention, and attrition data;
 - iv. graduation and dropout data.
- (c) The applicant shall submit evidence of organizational viability, which shall include but not be limited to effective governance, effective financial management, and compliance with applicable laws and regulations.
- (d) The applicant shall provide evidence to demonstrate that the successful school serves a student population similar to the population to be served by the proposed charter, and that the program to be offered at the proposed charter is similar to, or represents a reasonable modification of, the successful school.
- (e) Applicants shall provide any other information as required by the Commissioner.

For applicants with a current or previous relationship to a Massachusetts charter school, the Commissioner may consider all information related to such school's performance, including his evaluation in connection with each renewal of its charter.

Q. When is a proven provider required?

A. As stated above, a proven provider is required for a Commonwealth charter school that is to be located in a district that performed in the lowest 10 percent of districts statewide on the MCAS in the two previous consecutive years and where the 9 percent net school spending cap has been or is expected to be raised. Applicants proposing a charter school in a district in the lowest 10 percent should carefully consider whether to apply as a proven provider, even if the 9 percent net school spending cap has not been reached because of the potential for multiple applicants within the district, triggering an increase in the net school spending cap.

Q. If the applicant group is proposing a regional charter school, when is a proven provider required?

A. A proven provider is required if any district in a proposed region performed in the lowest 10 percent of districts statewide on the MCAS in the two previous consecutive years and where the 9 percent net school spending cap has been or is expected to be raised.

Application process

Q. Who may apply for a charter?

A. Any group or entity may apply for a public school charter, with the exception of for-profit companies and private/parochial schools. Typically, charter applicant groups include a mix of parents, teachers, non-profit organizations, and community leaders. The application for a charter school may be filed in conjunction with a college, university, museum, other similar non-profit entity, or any combination of these individuals and groups. An existing charter school board of trustees may apply to hold more than one charter.

Q. Can employees from private or parochial schools apply for a charter?

A. The regulations, in 603 CMR 1.04 (6)(f) states that "Private and parochial schools shall not be eligible for charter school status. If members of a charter applicant group are on the governing board or management of a private or parochial school that plans to close or closes around the time of receiving a charter, it creates a rebuttable presumption that the private or parochial school is seeking charter status for the purpose of securing public funding. To rebut this presumption, the applicant group must establish facts sufficient for the Department to determine that funding is not the primary reason they are seeking a charter as the private or parochial school is closing. In making a determination, the Department will compare the governance, management, and other characteristics of the private or parochial school and the governance, management, and other characteristics of the charter school, including but not limited to curriculum, student body, staff, leadership, location, and the financial plan for the school."

Q. What is the application review process?

A. The objective of the charter application review process is to award charters to applicants who show the greatest probability of creating public schools of the highest quality. The Department conducts a process that includes a prospectus and a final application phase, participation by internal and external reviewers for both phases, opportunities for written public comment, public hearings, and an interview with each applicant group and proposed board of trustees in the final application phase. Prospectuses and final applications are each reviewed against extensive criteria (see Appendix D) set forth in the charter statute, G.L. c. 71, § 89, and the Charter School Regulations, 603 CMR 1.05(1) and as further elaborated in the Application (see Appendix D).

Q. What is the purpose of the prospectus?

A. The founding group writes the prospectus in order to communicate plans for a potential charter school and demonstrate that they have the potential to create a high quality public charter school. At the

prospectus phase, Charter School Office staff present a synopsis of the information to the Commissioner and, based upon the information presented, the Commissioner determines which applicant groups will be invited to move into the final application stage. Questions and concerns raised are communicated in writing to all applicants after the prospectus phase.

Q. What is the purpose of a final application?

A. The founding group writes the final application in order to communicate plans for a potential charter school and demonstrate that they have a strong probability of creating a high quality public charter school. If a founding group's board of trustees is granted a charter, the final application serves to define the material terms of the charter to which the school is held accountable, along with any approved amendments, as required in 603 CMR 1.11.

Q. To whom is the charter granted?

A. A charter is granted to the proposed school's board of trustees, an independent body. While a founding group may also include individuals who do not intend to serve on the board of trustees, a proposed board must be in place for the charter to be granted. An existing charter school board of trustees may apply for and be authorized to hold more than one charter.

Q. How many total charters are available to be granted in February of 2012?

A. Not more than 120 charter schools (48 Horace Mann and 72 Commonwealth) may operate in the Commonwealth at any one time, with the exception of schools located in the lowest 10 percent statewide in districts in which NSS is or would be exceeded, and Horace Mann II (conversion) charter schools. There are 15 Commonwealth charters available in non-cap lift school districts and 38 Horace Mann I and III charters available to be granted in the 2011-2012 application cycle.

Q. If we miss the July 25 deadline for submission of the prospectus, can we still submit a final application in November?

A. No. Only those prospectuses submitted by the July deadline are eligible to receive an invitation by the Commissioner to submit a final application in November. The exception to this rule is Horace Mann II (conversion) charter schools. Horace Mann II applicants are encouraged to adhere to the standard schedule, but may submit prospectuses at any time. If the Horace Mann II prospectus receives an invitation by the Commissioner to submit a final application, the due date for the final application is based on the original submission date of the prospectus. Final applicants for Horace Mann II charter schools that choose not to adhere to the standard schedule are subject to the same process for review as for all other Horace Mann and Commonwealth applicants, and similar periods of time for review of the prospectus and final application, and charter granting.

Q. Are there differences in the application for proposed Commonwealth and Horace Mann charter schools?

A. Yes. While the review and approval process is the same for Commonwealth and Horace Mann charter schools, the Application and the criteria for each type are tailored for particular statutory and regulatory requirements.

Q. Are there differences between the application for proposed conversion Horace Mann charter schools and new Horace Mann charter schools?

A. Yes. Additional information is required for applicant groups from existing schools proposing a conversion Horace Mann charter school to allow the Department to appropriately evaluate the prospectus and/or final application. Additional criteria are noted in many sections of the Application for a Massachusetts Horace Mann Public Charter School.

Q. Are there additional criteria for existing charter school boards of trustees applying for a new Commonwealth charter?

A. Yes. Additional information is required for existing charter school boards of trustees applying for a new charter to allow the Department to appropriately evaluate the prospectus and/or final application. Additional criteria are noted in many sections of the Application for a Massachusetts Commonwealth Public Charter School.

Q. Are there additional criteria for founding groups intending to build a network of schools?

A. Yes. Additional information is required for founding groups intending to build a network of schools to allow the Department to appropriately evaluate the prospectus and/or final application. Additional criteria are included throughout the application and are noted as such. Also, these founding groups must submit a complete and separate prospectus and/or application for each proposed school in the network, including those for which provisional seats would be required.

Q. What are the limits on the number of charter schools that can be established in a given city or town?

A. Notwithstanding the total number of charters available, state law limits the number of charters by type and location that the Board can grant as follows:

- In any one year, the Board may approve **only one** regional Commonwealth charter school application to be located in a district where overall student performance on the MCAS was in the top 10 percent in the preceding year.
- The Board may not approve a Commonwealth charter in any community with a population of less than 30,000, as determined by the most recent United States Census estimate, unless it is a regional charter school.
- Of the fourteen new Horace Mann III charter schools, not less than four must be located in Boston.
- At least two charters approved in any year must be granted for charter schools located in districts where overall student performance on the MCAS is in the lowest 10 percent statewide in the two years prior to the charter application.

There is also a statutory limit on the amount of funds that can be transferred to charter schools from any one district for the purpose of charter school tuition. A district's total charter school tuition payment to Commonwealth charter schools cannot exceed 9 percent of that district's net school spending (NSS), unless that district has performed in the lowest 10 percent statewide on the MCAS for the previous two years. If the district is in the lowest 10 percent, the cap on NSS has been raised to 13 percent for 2012, increasing at a rate of one additional percent each year until the new maximum of 18 percent is reached. The board may provisionally award seats to new charter applicants and to existing charter schools that will become available in future years pursuant to the schedule set forth in section 9 of chapter 12 of the acts of 2010, provided, that if a district is no longer in the lowest 10 percent, any remaining provisional seats may not be used. Please review Appendix B for district specific information on enrollment projections. Enrollment projections and districts in the lowest 10 percent of MCAS performance are subject to change.

Currently, several districts are at or approaching their cap for charter tuition spending. More information on this may be found in Appendix B. Please contact the Charter School Office at (781) 338-3227 for further information if you have questions in regard to a specific district.

Q. Will the Board of Elementary and Secondary Education give preference to certain kinds of applications and applicant groups?

A. The Board will give preference to those applications and applicant groups that demonstrate the greatest probability of creating public schools of the highest quality by meeting the comprehensive criteria of the rigorous application process (Appendix D). The statute also gives preference to applicants proposing to build networks in more than one municipality in which the district is approaching its net school spending cap and have performed in the lowest 10 percent statewide on the MCAS.

Q. Who reviews and evaluates charter school applications and the capacity of applicant groups?

A. Each charter school prospectus and final application is evaluated by Charter School Office and other Department staff, as well as individuals outside the Department who have education, business, non-profit, financial, legal, or organizational expertise. The reviewer's role is advisory and provides information on the strengths and weaknesses of the prospectus or application against the application criteria. In the final application stage, reviewers are also asked to pose questions for use in the interview with the applicant group and proposed board of trustees. At the prospectus stage, reviewers submit an evaluation form based upon the application criteria. At the final application stage, reviewers meet with staff from the Charter School Office to discuss the application.

Q. What is the basis of the interview with the applicant group and proposed board of trustees?

A. The Charter School Office conducts an interview with the applicant group and proposed board of trustees as a part of the final application process. Comments and questions raised through the application review process, public hearings, and public comment serve as the basis for the interview. The interview serves as an opportunity for the Charter School Office staff to assess the capacity of the applicant group and proposed board of trustees to establish an effective charter school. The Department maintains a written, detailed summary of interviews with final charter applicants and includes that summary in the materials that are provided to local school officials, the public, and the Board.

Q. What role do external reviewers play in the application process?

A. The role of external reviewers is solely advisory. Teams of reviewers, including current and former teachers; researchers; charter school founders; and school, business, and public policy leaders, as well as Department staff members, evaluate the strengths and weaknesses of prospectuses and final applications against the stated criteria. The information regarding strengths and weaknesses, along with questions raised by review panels regarding final applications serve as the basis of the applicant group interviews.

Q. How much weight will be given to written comments from superintendents and testimony at public hearings?

A. Public hearings are a critical component of the application review process. They are an opportunity for applicants to demonstrate broad community support, and for opponents to demonstrate opposition in public and in the presence of members of the Charter School Office and the Board. The Charter School Office and Board solicit and review comments from the school committees of the school district(s) from which the applicant intends to draw students and any contiguous districts. All public comment, including written comment from superintendents and school committees, is considered in the review process. Written or oral opposition alone is not reasonable grounds for denial of a charter. Similarly, strong public support alone does not constitute reasonable grounds for granting a charter. Any substantial issues raised in public comment that demonstrate weaknesses in a specific final application as measured against the stated criteria is taken into account and addressed during the applicant group's interview with the Charter School Office. The public hearing on a final application is held in the school district in which the proposed charter school intends to locate.

Q. By what point in the application process should an applicant secure a facility?

A. During the application process, applicant groups must describe a process for identifying a potential facility for the proposed charter school. Applicants who enter into lease or purchase agreements in advance of receiving a charter from the Board, however, do so at their own risk.

Q. What is the basis for the decision to award a charter?

A. Applications must be filed by the deadline and meet the submission requirements as described in the Application for a Public Charter School (Application) to be considered. Applications that are timely filed and meet the submission requirements are evaluated to determine whether the applicant group has demonstrated the capacity and ability to establish and operate a successful charter school, in accordance with the criteria set forth in the charter statute, G.L. c. 71, § 89, and the Charter School Regulations, 603 CMR 1.05(1) (see Appendix A) and as further elaborated in the Application. The Department's Charter School Office uses the comprehensive criteria in the Application (listed in Appendix D) to identify the strengths and weaknesses of the Application. The Department also conducts an interview with the applicant group, receives and reviews public comment, and holds a public hearing in the district in which the school proposes to be located. The Commissioner receives and reviews the results of this process and presents his recommendation to the Board, along with a comprehensive written summary of all materials prepared by the Department evaluating or recommending approval or disapproval of the Application. The Department sends a copy of the comprehensive summary to the applicant as well. The Board makes the final decision on the award of charters.

Q. Can the Board of Elementary and Secondary Education's decisions on charter applications be appealed by the applicant group or other members of the public?

A. No. A decision of the Board on a charter application is final. The application process leading up to the Board's decision is designed to afford applicant groups and members of the public several opportunities to clarify the proposal made in an application and to make the case for, or against, the award of a charter. Applicants who are not awarded a charter in 2012 may reapply in the future.

Q. Is preference given to applications for charter schools that plan to open in 2012?

A. No. Applicant groups that propose to open in 2012 or beyond are evaluated using the same criteria. However, the Board of Elementary and Secondary Education may award a charter conditional on the school opening in 2013, even if the applicant group applies to open in 2012.

Q. How soon after a charter is granted can a school be opened?

A. Applicant groups may propose to open in the fall of either 2012 or 2013. It is important to note that if no students are attending a charter school within 19 months from the date the charter was granted, the charter will be null and void, unless an extension is granted by the Commissioner. The next Board decision on the awarding of charters may occur at the February 2012 meeting, with the possible exception of Horace Mann II applications. Founding boards that are awarded charters and elect to open in the fall of 2012 must then submit pre-enrollment data by mid-March, approximately two weeks later, on the number of students who have been admitted to the school through the charter school enrollment process. Schools that elect to open in 2013, report this information in March 2013. This fact, and other requirements surrounding opening procedures, has lead many applicant groups to take a planning year and open the year after receiving a charter. As previously noted, the Board may award a charter conditional on the school opening in 2013, even if the applicant group applies to open in 2012. All schools must successfully complete the opening procedures process before opening. If a new school fails to comply with any specified condition prior to the opening of the school, the Commissioner may recommend to the Board that the school be placed on probation or that the charter be revoked. A charter school must open within nineteen months of charter granting or lose its charter, unless an extension is granted by the Commissioner.

In the case of Horace Mann II (conversion) charter schools that choose not to adhere to the deadlines required of applicants for other types of charter schools, the Board decision on awarding charters may occur four months after the final application is submitted, and the school may re-open as a Horace Mann II charter school after the successful completion of the opening procedures process.

Funding

Q. How are Commonwealth charter schools funded?

A. For each child that a Commonwealth charter school enrolls, it receives a tuition amount from the state equal to a per-pupil amount calculated by the Department's School Finance Unit. The state then deducts the same amount from the sending district's state aid account (the sending district being the school district in which the student resides). Like other public schools, Commonwealth charter schools are eligible to receive federal and state grant funds. Commonwealth charter schools may apply for private grants and receive contributions. For more detailed information about how the state calculates tuition payments for Commonwealth charter schools, visit <http://www.doe.mass.edu/charter/finance/tuition/>.

Q. How are Horace Mann charter schools funded?

A. Funding for a Horace Mann charter school comes directly from the school district in which the school is located, through a memorandum of understanding with the district. An application for a Horace Mann charter school may specify a total budget allocation that the school committee has approved for the charter school's first year. Each year thereafter, the board of trustees of a Horace Mann charter school will submit a budget request for the following fiscal year to the superintendent and school committee of the district. Under the law, a Horace Mann charter school cannot receive less than it would have under the district's standard budgetary allocation rules. A school may appeal a disproportionately small budget allocation to the Commissioner. Depending upon the terms of its charter and the memorandum of understanding, a Horace Mann charter school may receive its share of federal and state grant funds from the district or receive the funds directly. Horace Mann charter schools may apply for private grants and receive individual contributions.

Q. Will charter recipients be given start-up funding?

A. The Department has reapplied for the federally funded Charter School Program (CSP) grant. The funding is not certain. Awards will be announced in June. If we receive the award, the grants allows new charter schools to receive start-up funding in their planning period and first two years of operation. The purpose of the grant is to increase the number of high-quality charter schools in Massachusetts, especially those serving students who are at greatest risk of not meeting state academic standards. If chartered, the submission of a charter application serves as the initial application for the CSP start-up grant funds. A number of charter schools have also applied for and received start-up funding from non-governmental sources.

Q. Do Horace Mann charter schools qualify for start-up funding, if available, through the Charter School Office?

A. Yes, Horace Mann charter schools have access to the federally-funded CSP grant, if available.

Q. Are charter schools eligible for state school building assistance funds?

A. The charter school statute states, "no school building assistance funds shall be awarded to a Commonwealth charter school for the purpose of constructing, reconstructing, or improving said school." The Massachusetts Legislature, however, has included a facilities component as part of the tuition paid to charter schools. For more detailed information about how the state calculates tuition payments for Commonwealth charter schools, visit <http://www.doe.mass.edu/charter/finance/>. Some charter schools may be eligible to apply for qualified zone academy bonds. The qualified zone academy bond (QZAB) program allows school districts and charter schools to obtain interest-free financing for the purpose of establishing "qualified zone academies." Qualified zone academies are schools, or programs within a school, which are located in economically distressed areas and whose curriculum is designed through school/business partnerships. See http://finance1.doe.mass.edu/sbuilding/qzab_rfp.html for more information.

Q. How does transportation work for charter schools?

A. Charter school regulations state “All students who reside in the school district in which a charter school is located shall be provided transportation by the district, provided that either (i) transportation is provided to district students in the same grade, or (ii) transportation is required by the student’s individualized education program.... A district may not limit transportation to charter school students based on attendance zones or other geographic subdivisions of the district....The district shall accommodate the school day and school year specified in the school’s charter, provided that the charter school shall make reasonable accommodations in setting its daily starting and ending times to foster cost-efficient transportation arrangements.” Please see 603 CMR 1.08 (11) for the transportation section of the regulation in its entirety. Applicants for regional charter schools must indicate in the application whether or not the school will be providing transportation to qualify for reimbursement. For additional information, call the Charter School Office, 781-338-3227.

Q. Are charter schools entitled to federal funds?

A. Yes, Commonwealth and Horace Mann charter schools are eligible for federal entitlement funds on the same basis as all public schools, including those for Special Education, Title 1, and Safe and Drug Free Schools. Please visit <http://finance1.doe.mass.edu/grants/> for specific details about each grant program.

Laws and regulations¹

Q. Do charter schools serve students with special needs and students who are English language learners?

A. Yes. Charter schools cannot discriminate in admissions on the basis of special need or English language proficiency. Once admitted, students who have special needs or are English language learners must be appropriately identified, assessed, and served in accordance with federal and state requirements. For special education, this requires a full- or part-time special education administrator and additional staff to meet the needs of a student’s individualized education program. The number of staff required varies by level of services required and by the size of the school. For information on special education and charter schools, please see the Massachusetts Primer on Special Education and Charter Schools found at <http://www.doe.mass.edu/charter/sped/default.html>. For more information on special education laws and regulations see <http://www.doe.mass.edu/sped/laws.html>. English language learners must be identified and supported in their acquisition of the English language through a program of sheltered English immersion and instructed by appropriately qualified staff. For more information on the laws and regulations relating to English language learners, see <http://www.doe.mass.edu/lawsregs/603cmr14.html>.

Q. Are Horace Mann charter schools considered a local education agency (LEA)?

A. Yes. Horace Mann charter schools are considered an LEA except for purposes of state aid, certain grant programs, collective bargaining, and any other purposes where such designation would conflict with law and regulation.

Q. Are laws and regulations waived for charter schools?

A. Charter schools must follow the same state educational standards, administer the same state tests, and abide by almost all the same state and federal laws and regulations as other public schools in the Commonwealth. Commonwealth charter schools however, are not subject to local school district rules and may operate without collective bargaining agreements. Horace Mann charter schools, depending on the terms of their charters, may be exempt from some local school district rules and some provisions of the local collective bargaining agreement and regulations. (As is the case for other public schools, charter schools may request waivers from state regulations.) When a waiver is requested by a Commonwealth charter school, the Commissioner will provide notice and opportunity to comment to the superintendent of each district served by the charter, if the granting of the waiver would have an impact on the district.

¹The Charter School Statute is available at <http://www.mass.gov/legis/laws/mgl/71-89.htm>. The Charter School Regulations are available at <http://www.doe.mass.edu/lawsregs/603cmr1.html>.

Q. What is a Student Recruitment and Retention Plan?

A. Existing Massachusetts charter schools are required to have a student recruitment and retention plan that includes deliberate, specific strategies the school will use to attract, enroll, and retain a student population that, when compared to students in similar grades in schools from which the charter school enrolls students, contains a comparable academic and demographic profile as stated in G.L. c. 71, § 89 (e-f).

The statute also requires that the plan include a detailed description of deliberate, specific strategies the school will use to maximize the number of students who successfully complete all school requirements and prevent students from dropping out. The student recruitment and retention plan is reported on and updated annually through the charter school accountability process, including consideration at renewal of how well the charter school has implemented its recruitment and retention plan and met its retention goal as stated in G.L. c. 71, § 89 (i)(3).

Q. Should our proposed charter school serve a region?

A. If the charter school intends to enroll students from a number of school districts or be located in a small and/or rural town of less than 30,000 in population according to the most recent United States census estimate, applying for regional status is appropriate. A regional charter school is authorized to serve, and give preference in enrollment to, students residing within a specified region of more than one district. In applying for a regional charter, applicants should specify all of the school districts, including regional districts, that comprise the geographic region to be served and a rationale for the proposed region.

Q. May applicants be given an entrance exam?

A. No. State law prohibits a charter school from discriminating in its enrollment process on the basis of academic achievement. Charter schools may create eligibility thresholds for enrollment that are consistent with their grade levels. For instance, a charter high school may deny admission to students who have not completed the 8th grade based on the sending school's determination of grade completion, but it may not deny admission to students on the basis of their inability to do 8th grade level work. Diagnostic exams may be given to all students once the students are enrolled and students may then be placed at the appropriate grade level.

Q. May applicants and their families be required to attend interviews or informational meetings as a condition of enrollment?

A. No. State regulations prohibit a charter school from requiring potential students and their families to attend interviews or informational meetings as a condition of enrollment.

Q. What is the purpose of establishing a charter school?

A. The statute, in G.L. c. 71, § 89 (b), asserts that charter schools are to be established (1) to stimulate the development of innovative programs within public education; (2) to provide opportunities for innovative learning and assessments; (3) to provide parents and students with greater options in choosing schools within and outside their school districts; (4) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management; (5) to encourage performance-based educational programs; (6) to hold teachers and school administrators accountable for students' educational outcomes; and (7) to provide models for replication in other public schools.

Q. How does the federal No Child Left Behind (NCLB) Act affect Massachusetts charter schools?

A. Because Massachusetts charter schools are public schools, the NCLB requirements are applicable to charter schools in the Commonwealth, including the requirement that teachers are highly qualified. See the federal No Child Left Behind Act home page at <http://www.ed.gov/nclb/landing.jhtml?src=pb>, the Department's Technical Advisories, *The Impact of NCLB on Massachusetts Charter Schools*, at http://www.doe.mass.edu/charter/tech_advisory/03_2.html, and *Teacher Qualifications in Massachusetts*

Charter Schools, http://www.doe.mass.edu/charter/tech_advisory/07_1.html, and the *Opening Procedures Handbook* at <http://www.doe.mass.edu/charter/guides/ophandbook.doc> for further guidance.

Q. What are the licensure/training requirements for charter school teachers?

A. The charter school regulations, in 603 CMR 1.07, require that all Massachusetts charter school teachers hired after August 10, 2000 must *either* be certified **OR** pass the appropriate Massachusetts Test(s) for Educator Licensure (MTEL) within one year of their date of employment. For more information on this requirement, please contact the Department's Office of Educator Quality at (781) 338-6600. Information on charter school teacher qualifications can be found at http://www.doe.mass.edu/charter/tech_advisory/07_1.html.

Q. What are the licensure/training requirements for teachers regarding English language learner education in charter schools?

A. Every district, including charter schools who serve English language learners, are required to have at least one teacher who has an English as a Second Language, Transitional Bilingual Education, or English Language Learners license. The school is also required to develop and implement a professional development plan for all staff serving English language learners that includes appropriate sheltered English immersion training.

Q. What do the state curriculum frameworks and state tests mean for charter schools?

A. All public schools, including charter schools, must administer the MCAS tests. These tests are based on the curriculum frameworks adopted by the Board of Elementary and Secondary Education. Charter schools must also administer any other assessment the Board of Elementary and Secondary Education may require. MCAS results are used in the charter school accountability process and are central in evaluating whether a school is an academic success.

Q. Are for-profit/non-profit companies allowed to manage charter schools?

A. Yes. While for-profit education management organizations (EMO) may not hold the charter for a charter school in Massachusetts, state law explicitly allows charter school boards of trustees to procure education management services from non-profit and for-profit entities. The Board must approve all contracts between charter school boards of trustees and EMOs for substantially all educational services, prior to the contract taking effect. The application for a charter contains criteria that require the applicant to describe why the particular entity was selected, what due diligence the applicant group performed in choosing the entity, and to provide a draft of a management contract.

Q. What types of resources are available on the Massachusetts Department of Elementary and Secondary Education's website?

A. Many guidance documents for charter schools are currently available on the Department of Elementary and Secondary Education's general website (<http://www.doe.mass.edu/>) and the Charter Schools website (<http://www.doe.mass.edu/charter>). The Department is in the process of updating guidance documents on the Charter Schools portion of the website to comply with new statutory and regulatory requirements. Information includes: the *Charter School Administrative and Governance Guide*, the *Opening Procedures Handbook*, the *Common School Performance Criteria*, the *Application for a Public Charter School*, charter school news and headlines, contact information for all Massachusetts charter schools, including school and district profiles, charter school laws and regulations, technical advisories on specific topics, Charter School Office staff contact information, the Massachusetts Curriculum Frameworks, MCAS statistics and information, school finance, teacher licensure, and a calendar of Department of Elementary and Secondary Education events. For additional information see Appendix J for a Resource List.

Q. What is a charter, and how does a school amend its charter?

A. A school's charter is made up of certain material terms that are described in the charter application. The charter is granted to the school's board of trustees. If these terms are modified significantly by a charter school's board of trustees, they must request approval of the change from the Department, through the

amendment process, before the change may be implemented. The areas requiring amendment are described in 603 CMR 1.11. These material terms are the school's educational philosophy and mission; governance and leadership structure; a contract with an education management organization that is providing or planning to provide substantially all of the school's educational services; curriculum models or whole-school change designs; location of facilities, if such change involves relocating or expanding to another municipality; districts specified in a regional school's charter; bylaws; schedule (e.g., length of school year, school week, or school day); enrollment process; code of conduct; school name; or membership of the board of trustees. The Department of Elementary and Secondary Education's Technical Advisory on *Charter Amendments* is available on-line at http://www.doe.mass.edu/charter/tech_advisory.

Q. Are there any circumstances under which a charter must be amended?

A. In addition to the amendment requirements in CMR 603 1.11, if a charter school enrolls more than 20 percent of its students from districts not specified in its charter for two consecutive years, the school may submit a request to amend its charter to reflect actual enrollment patterns, or at renewal, the Board will establish a timeline of not less than five years for the charter school to meet this requirement.

Q. How does a charter school know about annual reporting requirements?

A. The Department annually provides a list of major reporting requirements of all districts, including those that are relevant to charter schools, including the pre-enrollment report, annual reports, and annual audits.

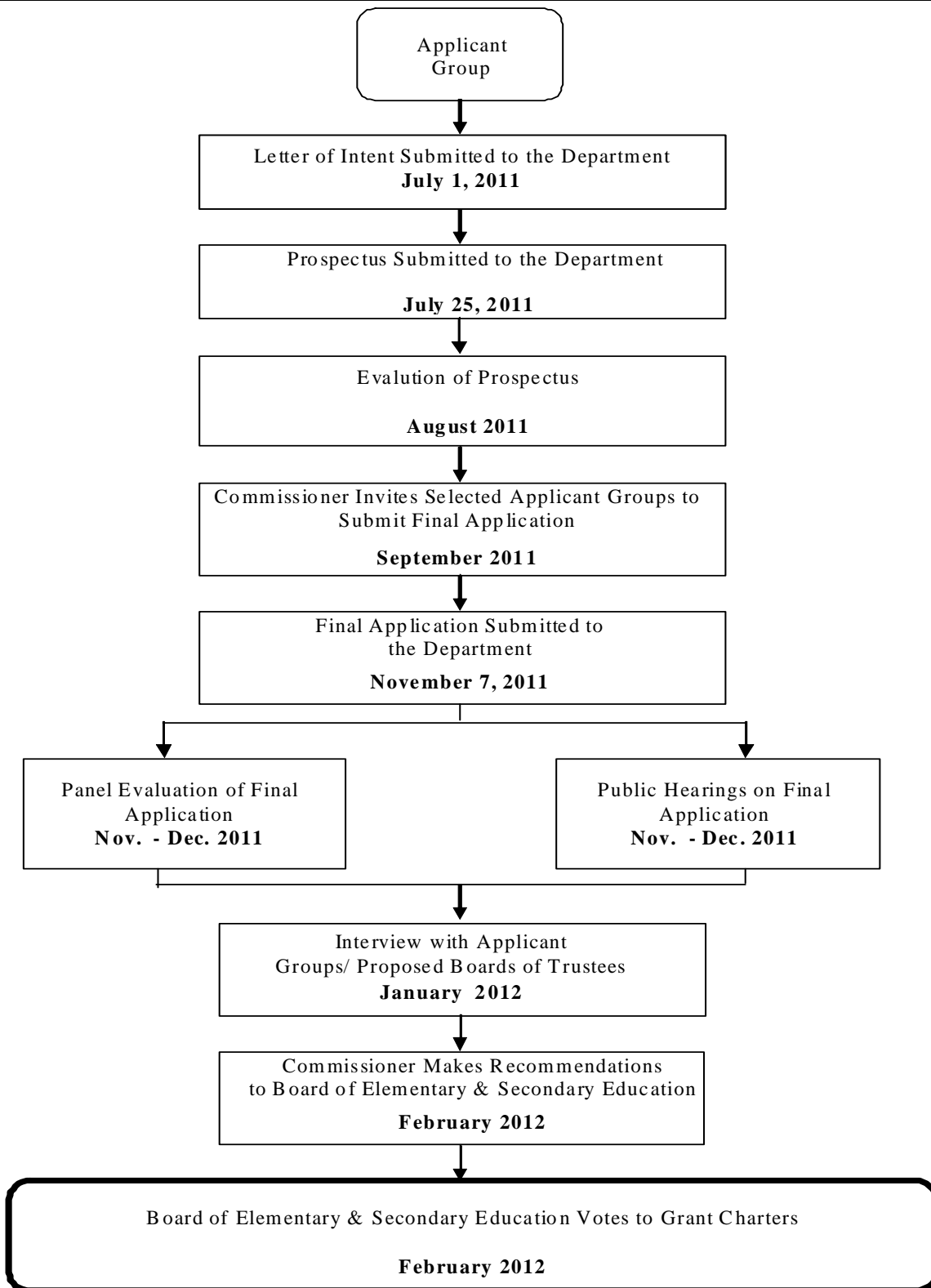
THE APPLICATION PROCESS AND REVIEW STAGES – STANDARD SCHEDULE

Instructions	All submissions should be prepared on plain, 8 ½ x 11” paper that is suitable for reproduction. <i>Brevity, specificity, and clarity are strongly encouraged.</i>
Deadlines	<p>The deadline for receipt of all materials in the Charter School Office at the Department of Elementary and Secondary Education is 5:00 PM on the due date indicated:</p> <ul style="list-style-type: none"> • Letter of Intent..... July 1, 2011 • Prospectus.....July 25, 2011 • Final Application....November 7, 2011 <p>Facsimiles are not accepted and any prospectus or application materials received after this time will not be considered (even if postmarked before the due date).</p>
Format	<p>Both the prospectus and the final application must contain:</p> <ul style="list-style-type: none"> • one-inch margins • 11-point font, or larger • a table of contents that includes attachments • page numbers in the bottom right hand corner of each page, including attachments with consecutive numbers tied to the table of contents <p>The Horace Mann prospectus is limited to 30 pages of text, excluding required and optional attachments. The final application is limited to 65 pages of text excluding required and optional attachments. See the prospectus and final application outlines for additional information.</p> <p>Three ring binders are not accepted.</p>
Electronic Format The document will meet the requirements <u>only</u> by keeping the file size less than 5MB , adding alternative text (alt-text) for all images, adding an electronic title and author under File > Properties, and by removing track changes and comments.	<p>The Commonwealth of Massachusetts is committed to providing information to the public that is accessible to all, including those utilizing assistive technology to access information. This means that you must prepare an accessible electronic version of both the prospectus and final application for submission to the Charter School Office. The electronic version must be consistent with the Department’s Website Accessibility Policy which can be found online at http://www.doe.mass.edu/resources/policy.html?policy=accessibility and the Web Content Standards Checklist which can be found online at http://www.doe.mass.edu/nmg/checklist.doc.</p>

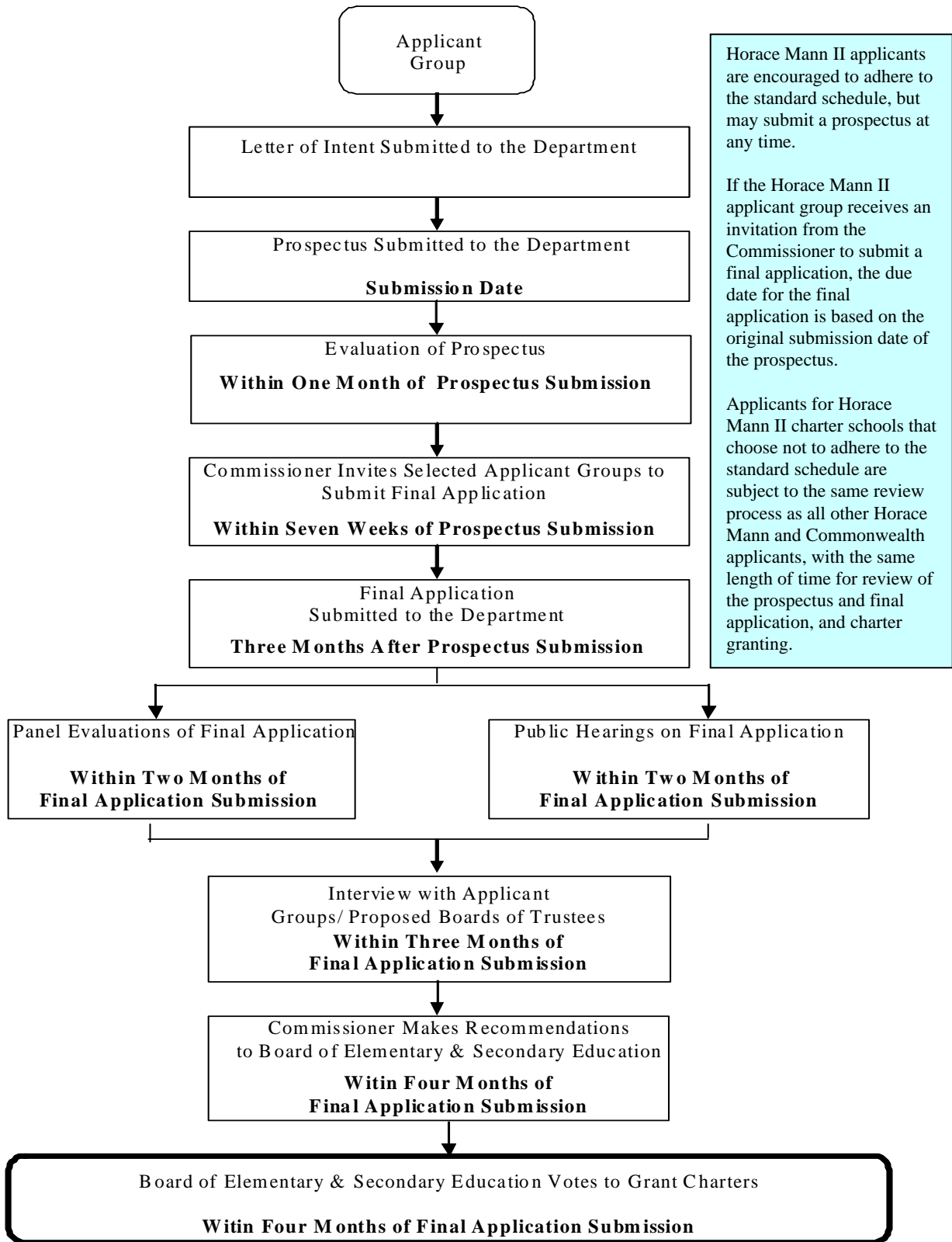
Where to Mail and/or Drop-Off Letters of Intent, Prospectuses, and Final Applications	<p>Massachusetts Department of Elementary and Secondary Education Charter School Office 75 Pleasant Street Malden, Massachusetts 02148-4906 (781) 338-3227</p> <p><i>Note: All documents submitted to the Department of Elementary and Secondary Education become a part of the public record.</i></p>
Letter of Intent and Application Information Sheet (templates attached)	<p>Letter of Intent and Application Information Sheets are due Friday, July 1, 2011</p> <p>An applicant group's Letter of Intent and Applicant Information Sheet are due on July 1, 2011. All interested charter school applicants are required to notify the Department of Elementary and Secondary Education's Charter School Office, of their intention to apply for a charter.</p>
Submitting the Prospectus <i>Submit:</i> <i>A) One (1) unbound copy with original signature.</i> <i>B) Ten (10) bound or stapled copies of the original.</i> <i>C) One (1) disk with a complete electronic copy in Microsoft Word/Excel format. It is strongly recommended that the prospectus follow the Commonwealth's criteria for accessible electronic documents.</i>	<p>Prospectus is due no later than 5:00 p.m. on Monday, July 25, 2011</p> <p>The prospectus describes the basic elements of the applicant's plan for establishing a charter school. A certification statement with original signatures, as well as the Charter Applicant Information Sheet must accompany the prospectus. There are three different Horace Mann certification statements to choose from: Horace Mann I, Horace Mann II, or Horace Mann III, they are attached.</p>
Prospectus Review	<p>Review by the Department of Elementary and Secondary Education</p> <p>The prospectus is reviewed by the Department of Elementary and Secondary Education and external reviewers against the criteria in the prospectus.</p>
Applicant Notification	<p>During the month of September 2011, applicant groups may be invited to submit a final application</p> <p>The Commissioner of Elementary and Secondary Education will invite those applicants whose prospectus demonstrates the greatest probability of creating the highest quality charter schools to submit a final application.</p>

<p>Submitting the Final Application</p> <p><i>Submit:</i></p> <p><i>A) One (1) unbound original copy with original signature.</i></p> <p><i>B) Fifteen (15) bound or stapled copies of the original.</i></p> <p><i>C) One (1) disk with a completed electronic copy in Microsoft Word/Excel format. It is strongly recommended that final application follow the Commonwealth's criteria for accessible electronic documents.</i></p>	<p>Final Application is due no later than 5:00 p.m. on Monday, November 7, 2011</p> <p>The final application will be reviewed by the Department of Elementary and Secondary Education for completeness before being accepted and sent to reviewers. Incomplete applications will not be accepted.</p>
<p>Review of Final Applications</p>	<p>Review by the Department of Elementary and Secondary Education and External Reviewers</p> <p>The final application will be reviewed by the Department of Elementary and Secondary Education and external reviewers against the criteria described throughout the application.</p>
<p>Public Hearings</p>	<p>Public hearings on final applications are conducted during November and December.</p>
<p>Interviews</p>	<p>Interview with Applicant Group/Founding Board of Trustees (January)</p> <p>Charter School Office staff conduct an interview with the applicant group and proposed board of trustees for each final application. Comments and questions from the final application review teams and the public hearings will serve as a basis for the interview.</p>
<p>Commissioner's Recommendation</p>	<p>Commissioner's Recommendation (February)</p> <p>The Commissioner reviews the results of this process and makes recommendations to the Board of Elementary and Secondary Education regarding the award of charters.</p>
<p>Board of Elementary and Secondary Education Grants Charters</p>	<p>Board of Elementary and Secondary Education Votes on New Charter Schools (February)</p> <p>The Board of Elementary and Secondary Education will vote to award charters no later than the February Board meeting. The Board reserves the right to grant a charter with the terms and conditions that it deems are appropriate, including, but not limited to, the opening date, grade span, and maximum enrollment of the school.</p>

2011-2012 HORACE MANN PUBLIC CHARTER SCHOOL APPLICATION AND REVIEW PROCESS TIMELINE (STANDARD SCHEDULE)



2011-2012 HORACE MANN II² PUBLIC CHARTER SCHOOL APPLICATION AND REVIEW PROCESS TIMELINE (NO DATES)



² For a description of Horace Mann II Charter Schools, see the Questions and Answers. For a detailed, side-by-side comparison of the three types Horace Mann Charter Schools, see Appendix B.

LETTER OF INTENT - REQUIRED

For planning purposes, applicant groups are required to send a letter of intent to the Charter School Office at the Department of Elementary and Secondary Education by July 1, 2011. The letter of intent should not exceed two pages. In addition, the Applicant Information Sheet must also be completed and submitted with the letter of intent.

Letter of Intent

Date

Contact Person's Name

Mailing Address

City, State Zip Code

Daytime Phone, Facsimile number

E-mail Address

Application Review

Massachusetts Department of Elementary and Secondary Education

Charter School Office

75 Pleasant Street

Malden, MA 02148-4906

Dear Charter School Office,

Introductory sentence(s)

Provide a brief explanation of the type of Horace Mann charter school that will be proposed and the mission and purposes of the proposed school. Describe the type(s) of student(s) to be served by the proposed school (e.g., targeted population, at-risk youth) and the general approach to curriculum and teaching (e.g., Core Knowledge, Montessori, Coalition of Essential Schools, college preparatory, etc.).

Provide information on the composition of the applicant group (e.g., parents, teachers, school district, non-profit organization, etc.).

Salutation,

Signature

Attachment (Applicant Information Sheet)

HORACE MANN CHARTER APPLICANT INFORMATION SHEET

This form must be attached to the letter of intent, prospectus, and final application. Please type information.

Name of Proposed Charter School: _____

School Address (if known): _____

School Location (City/Town - required): _____

Primary Contact Person: _____

Address: _____

City: _____ State: _____ Zip: _____

Daytime Tel: (_____) _____ Fax: (_____) _____

E-mail: _____

1. The proposed school will open in the fall of school year: ☐ 2012-2013 ☐ 2013-2014

School Year	Grade Levels	Total Student Enrollment
First Year		
Second Year		
Third Year		
Fourth Year		
Fifth Year		

2. Grade span at full enrollment: _____

3. Total student enrollment when fully expanded: _____

4. Age at entry for kindergarten, if applicable: _____

5. The proposed Horace Mann charter school is:

☐ New or ☐ Conversion

6. The proposed type of Horace Mann³ charter school is:

☐ Horace Mann I ☐ Horace Mann II ☐ Horace Mann III

³ The revision of M.G.L. c. 71, § 89 in 2010 created three types of Horace Mann charter schools, each with a particular set of requirements. A side-by-side comparison of the three types can be found in Appendix B.

HORACE MANN I CHARTER SCHOOL CERTIFICATION STATEMENT

Proposed Charter School Name _____

School's Current Name
(If different from above) _____

School Address _____ City/Town _____

I hereby certify that this prospectus/application has received approval from a majority of the school committee and from the local teacher's union in the district in which this Horace Mann I Charter School would be located. The information submitted in this prospectus/application is true to the best of my knowledge and belief; and further, I understand that, if awarded a charter, the proposed charter school shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement. I understand that the final application for the proposed school shall include a signed memorandum of understanding that describes the intended relationship between the proposed charter school and the school district. I also understand that any memorandum of understanding, modifying provisions of a collective bargaining agreement must be signed by the proposed charter school, the school committee, and the local collective bargaining unit and submitted with the final application. I further understand that the information submitted in this prospectus/application serves as an initial application for start-up assistance funding under the federal Charter Schools Program grant. This is a true statement, made under the penalties of perjury.

I. School Committee

Signature _____ Date _____
(Please label copy with original signature) *Chairperson, School Committee*

Print/Type Name _____

Address _____

City _____ State _____ Zip _____

Daytime Telephone _____ Fax _____

II. Local Collective Bargaining Unit

Signature _____ Date _____
(Please label copy with original signature) *President, Local Teacher's Union*

Print/Type Name _____

Address _____

City _____ State _____ Zip _____

Daytime Telephone _____ Fax _____

HORACE MANN II CHARTER SCHOOL CERTIFICATION STATEMENT

Proposed Charter School Name _____

School's Current Name
(If different from above) _____

School Address _____ City/Town _____

I hereby certify that this prospectus/application has received approval from a majority of the school committee. The information submitted in this prospectus/application is true to the best of my knowledge and belief; and further, I understand that, if awarded a charter, the proposed charter school shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement. I understand that the final application for the proposed school shall include a signed memorandum of understanding that describes the intended relationship between the proposed charter school and the school district. I also understand that any memorandum of understanding, modifying provisions of a collective bargaining agreement must be approved by a majority of faculty at the school, with the vote to be held within 30 days of submission of application. I further understand that the information submitted in this prospectus/application serves as an initial application for start-up assistance funding under the federal Charter Schools Program grant. This is a true statement, made under the penalties of perjury.

I. School Committee

Signature _____ Date _____
(Please label copy with original signature) *Chairperson, School Committee*

Print/Type Name _____

Address _____

City _____ State _____ Zip _____

Daytime Telephone _____ Fax _____

HORACE MANN III CHARTER SCHOOL CERTIFICATION STATEMENT

Proposed Charter School Name _____

School's Current Name
(If different from above) _____

School Address _____ City/Town _____

I hereby certify that this prospectus/application has received approval from a majority of the school committee. The information submitted in this prospectus/application is true to the best of my knowledge and belief; and further, I understand that, if awarded a charter, the proposed charter school shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement. I understand that the final application for the proposed school shall include a signed memorandum of understanding that describes the intended relationship between the proposed charter school and the school district. I also understand that an agreement with the collective bargaining unit is not required prior to Board approval of a charter, however the charter school's board of trustees must negotiate with the collective bargaining unit and the school committee in good faith regarding any modifications to collective bargaining agreements following the award of a charter. If an agreement is not reached at least 30 days before scheduled opening, charter school operates under the terms of its charter until an agreement is reached. I further understand that the information submitted in this prospectus/application serves as an initial application for start-up assistance funding under the federal Charter Schools Program grant. This is a true statement, made under the penalties of perjury.

I. School Committee

Signature _____ Date _____
(Please label copy with original signature) *Chairperson, School Committee*

Print/Type Name _____

Address _____

City _____ State _____ Zip _____

Daytime Telephone _____ Fax _____

STATEMENT OF ASSURANCES

This form must be signed by a duly authorized representative of the applicant group and submitted with the final application. An application will be considered incomplete if it is not accompanied by the Statement of Assurances.

As the authorized representative of the applicant group, I hereby certify under the penalties of perjury that the information submitted in this application for a charter for _____ (name of school) to be located at _____ is true to the best of my knowledge and belief; and further, I certify that, if awarded a charter, the school:

1. Will not charge tuition, fees, or other mandatory payments for attendance at the charter school, for participation in required or elective courses, or for mandated services or programs (Mass. Gen. Laws c. 71, § 89(m), and 603 CMR 1.03(3)).
2. Will not charge any public school for the use or replication of any part of their curriculum subject to the prescriptions of any contract between the charter school and any third party provider (Mass. Gen. Laws c. 71, § 89(l)).
3. Will permit parents to enroll their children only voluntarily and not because they must send their children to this school (The Elementary and Secondary Education Act of 1965, as amended, Title V, Part B, Subpart 1 — Public Charter Schools Section 5210(1)(h)).
4. Will enroll any eligible student who submits a timely and complete application, unless the school receives a greater number of applications than there are spaces for students. If the number of application exceeds the spaces available, the school will hold a lottery in accordance with Massachusetts charter laws and regulations (Mass. Gen. Laws c. 71 § 89(n), and 603 CMR 1.06).
5. Will be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement (Mass. Gen. Laws c. 71, § 89(m)).
6. Will be secular in its curriculum, programs, admissions, policies, governance, employment practices, and operation in accordance with the federal and state constitutions and any other relevant provisions of federal and state law.
7. Will comply with the federal Age Discrimination Act of 1975 and Title IX of the Education Amendments of 1972.
8. Will adhere to all applicable provisions of federal and state law relating to students with disabilities including, but not limited to, the Individuals with Disabilities Education Act, section 504 of the Rehabilitation Act of 1974, and Title II of the Americans with Disabilities Act of 1990 and chapter 71B of the Massachusetts General Laws.
9. Will adhere to all applicable provisions of federal and state law relating to students who are English language learners including, but not limited to, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, and chapter 71A of the Massachusetts General Laws.
10. Will comply with all other applicable federal and state law including, but not limited to, the requirement to offer a school nutrition program (Mass. Gen. Laws c. 69, § 1 (c)).

11. Will meet the performance standards and assessment requirements set by the Board of Elementary and Secondary Education for all students in public schools including, but not limited to, administering the Massachusetts Comprehensive Assessment System (MCAS) (Mass. Gen. Laws c. 71, § 89(v), and 603 CMR 1.05(1)(i)).
12. Will submit an annual report to the Department of Elementary and Secondary Education on or before the required deadline (Mass. Gen. Laws c. 71 § 89(jj)).
13. Will submit an accountability plan no later than the end of the first year of the school's charter, establishing specific five-year performance objectives as specified in the state regulations (603 CMR 1.05 (1)(j)) and guidelines.
14. Will submit an annual independent audit to the Department of Elementary and Secondary Education and the Office of the State Auditor no later than November 1st of every year, as required by the charter school statute (Mass. Gen. Laws c. 71, § 89(jj), or at such other time as may be designated in 603 CMR 1.09 (3)).
15. Will submit required enrollment data each March to the Department of Elementary and Secondary Education by the required deadline (Mass. Gen. Laws c. 71, § 89(o), and 603 CMR 1.09(4)).
16. Will meet enrollment projections through demonstration of support for the proposed charter school in the communities from which students would be likely to enroll (603 CMR 1.05(1)(c)).
17. Will operate in compliance with generally accepted government accounting principles (Mass. Gen. Laws c. 71, § 89(jj)).
18. Will maintain financial records to meet the requirements of Mass. Gen. Laws c. 71, § 89 and 603 CMR 1.00.
19. Will participate in the Massachusetts State Teachers' Retirement System (Mass. Gen. Laws c. 71, § 89(y)).
20. Will employ individuals who hold an appropriate license to teach in a public school in Massachusetts and meet all applicable staff requirements of the federal No Child Left Behind Act (Mass. Gen. Laws c. 71 § 89(ii), and 603 CMR 1.07).
21. Will provide the Department of Elementary and Secondary Education with written assurance that a criminal background check has been performed, prior to their employment, on all employees of the school who will have unsupervised contact with children (Mass. Gen. Laws c. 71, § 38R, and 603 CMR 1.05(3)(d)).
22. Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health, and safety within the building(s) and on school property (603 CMR 1.05(1)(p), 1.05(3)(g), 1.05(3)(h), and 1.09(6)).
23. Will maintain uninterrupted necessary and appropriate insurance coverage (603 CMR 1.05(3)(j)).
24. Will submit to the Department of Elementary and Secondary Education the names, home addresses, and employment and educational histories of proposed new members of the school's board of trustees for approval prior to their service (603 CMR 1.05(3)(a)).
25. Will ensure that all members of the school's board of trustees file with the Department of Elementary and Secondary Education, the State Ethics Commission, and the city or town clerk

where the charter school is located completed financial disclosure forms for the preceding calendar year according to the schedule required by the charter school office (Mass. Gen. Laws c. 71, § 89(u)). The disclosure is in addition to the requirements of said chapter 268A and a member of a board of trustees must also comply with the disclosure and other requirements of said chapter 268A.

26. Will provide the Department of Elementary and Secondary Education with a federal taxpayer identification number issued solely to the charter school and all required information regarding a bank account held solely in the name of the charter school (603 CMR 1.05(4)).
27. Will, in the event the board of trustees intends to procure substantially all educational services for the charter school through a contract with another person or entity, submit such contract for approval by the Board of Elementary and Secondary Education to provide for any necessary revisions and approval prior to the beginning of the contract period (Mass. Gen. Laws c. 71, § 89(k)(5)).
28. Will notify the Department of Elementary and Secondary Education immediately in writing of any change in circumstances that may have a significant impact on the school's ability to fulfill its goals or missions as stated in its charter (603 CMR 1.09(7)).
29. Will submit in writing to the Commissioner of Elementary and Secondary Education a request to amend its charter if the school plans to make a change to its operations as defined in 603 CMR 1.11.

Signature

Date

Affiliation

STATEMENT OF ASSURANCES FOR THE FEDERAL CHARTER SCHOOL PROGRAM GRANT

These additional assurances are required to ensure compliance with requirements for the federal Charter Schools Program grant:

1. Will annually provide the U.S. Secretary of Education and the Department of Elementary and Secondary Education such information as may be required to determine if the charter school is making satisfactory progress toward achieving objectives described in this application (The

Elementary and Secondary Education Act of 1965, as amended, Title V, Part B, Subpart 1 — Public Charter Schools Section 5203(b)(3)).

2. Will cooperate with the U.S. Secretary of Education and the Department of Elementary and Secondary Education in evaluating the program described in the application (The Elementary and Secondary Education Act of 1965, as amended, Title V, Part B, Subpart 1 — Public Charter Schools Section 5203(b)(3)).
3. Will provide other information and assurances as the U.S. Secretary of Education and the Department of Elementary and Secondary Education may require (The Elementary and Secondary Education Act of 1965, as amended, Title V, Part B, Subpart 1 — Public Charter Schools Section 5203(b)(3)).

Signature

Date

Affiliation

HORACE MANN CHARTER PROSPECTUS OUTLINE

The prospectus is limited to no more than 30 pages of text, excluding the Cover Page, the Information Sheet, the Certification Statement, Executive Summary, Public Statement, and the required attachments: including a description of the curriculum for grade levels beyond those required in the text of the application; statements of commitment and resumes from each founding group member; and the school improvement plan for Horace Mann II (conversion) schools, if applicable.

- ☐ Cover Page
- ☐ Information Sheet
- ☐ Certification Statement
- ☐ Executive Summary – no more than two pages
Summarize the proposed school’s mission and educational program, how this potential school will enhance options for students the community’s demonstration of support for this school, and the founding group’s capacity to make the school a success.
- ☐ Public Statement
Include a statement of 100 words or less summarizing your proposed school. This statement may be shared with the media. Please state the school’s proposed sending district(s), location of facility, total grade span, and maximum enrollment.
- ☐ I. Charter School Mission, Vision, and Description of the Community to be Served
 - ☐ A. Mission Statement
 - ☐ B. Vision Statement
 - ☐ C. Description of the Community to be Served
- ☐ II. How will the school demonstrate academic success?
 - ☐ A. Educational Philosophy
 - ☐ B. Curriculum and Instruction
 - ☐ C. Assessment System
 - ☐ D. School Characteristics
 - ☐ E. Special Student Populations and Student Services
- ☐ III. How will the school demonstrate organizational viability?
 - ☐ A. Capacity
 - ☐ B. Governance Structure
- ☐ IV. Required Attachments
 - ☐ Statements of commitment and resumes from each founding group member indicating if a founder is a proposed board member, proposed school leader, or proposed for any other position(s) at the school.
 - ☐ Description of the curriculum for grade levels beyond those required in the text of the application, including the content and skills to be taught in the core content areas.
 - ☐ School Improvement Plan, for Horace Mann II conversion schools.

HORACE MANN CHARTER PROSPECTUS

Due July 25, 2011

I. CHARTER SCHOOL MISSION, VISION, AND DESCRIPTION OF THE COMMUNITY TO BE SERVED

A. MISSION STATEMENT

The mission statement defines the core purpose and key values of the school and informs the public about the students the school intends to serve. It should be consistent with high academic standards and be succinct and meaningful. A school's mission statement provides the foundation for the entire charter application and for the five year term of the school's charter. The mission statement should be reflected throughout all sections of the prospectus.

Provide the mission statement. The mission statement should:

- ✓ Speak to the value of your school, based on its own merit.
- ✓ Inform the public about the students the charter school intends to serve.
- ✓ Be consistent with high academic standards and student success.
- ✓ Be succinct and meaningful.
- ✓ Be reflected throughout all sections of the prospectus.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed mission is different from the existing school's mission and how it differs.

B. VISION STATEMENT

A vision statement should provide readers with an image of the future the applicant group wishes to create. The vision statement should articulate what the school will achieve for the school community – students, parents, teachers, board members, and beyond. An effective vision statement aligns with the mission statement and is meaningful. It also serves as a vivid organizing principle that helps all stakeholders focus on the desired targeted outcomes.

Provide the vision statement. The vision statement should:

- ✓ Illustrate a compelling image of the school's future.
- ✓ Describe the ways in which the school will positively impact all stakeholders in the school.
- ✓ Align with the mission statement.
- ✓ Be meaningful.
- ✓ Serve as an organizing principle for all sections of the prospectus.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed vision is different from the existing school's vision and how it differs.
- ✓ Explain the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

C. DESCRIPTION OF THE COMMUNITY TO BE SERVED

The Massachusetts charter school statute states that charter schools are to be established to 1) stimulate the development of innovative programs within public education; 2) provide opportunities for innovative

learning and assessments; 3) provide parents and students with greater options in choosing schools within and outside of their school districts; 4) provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management; 5) encourage performance-based educational programs; 6) hold teachers and school administrators accountable for students' educational outcomes; and 7) provide models for replication in other public schools.

The prospectus should describe the community to be served by the school and why the school will offer educational opportunity to students, including the needs of students and their families. These are essential factors that inform the design of a successful charter school, ultimately driving support for and enrollment in the school. Data on district performance on the MCAS is available on the Department of Elementary and Secondary Education's (Department) website and does not need to be reiterated here.

When describing the community the school plans to serve, the applicant groups should:

- ✓ Speak to the value of your school, based on its own merit.
- ✓ Describe the student population that your proposed charter school would serve and the needs of that population.
- ✓ Briefly discuss the reason for the selection of the community and the founders' ability to serve this particular area.
- ✓ Provide a specific rationale for how this school will enhance or expand educational options, including whether the innovative methods to be used by the proposed school differ from the district from which the charter school would enroll students.
- ✓ Describe how the educational option provided by the charter school will address the needs of the student population.
- ✓ Provide a description of how the founding group has assessed parental, district, teacher, and other staff support within the proposed sending district for the proposed school.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Summarize the School Improvement Plan currently in use including: data used, problem(s) identified, implementation status, and description of what has worked, what has not worked, and why. (Please attach School Improvement Plan.)
- ✓ Describe what the founding group perceives as roadblocks to the successful implementation or inadequacies of the current School Improvement Plan.
- ✓ Provide an analysis of the external and internal factors, strengths, and/or needs that moved the founding group to propose a Horace Mann charter school.
- ✓ Explain how this information has informed what the founding group is proposing and how becoming a Horace Mann charter school will lead to greater academic success for students.

II. HOW WILL THE SCHOOL DEMONSTRATE ACADEMIC SUCCESS?

A. EDUCATIONAL PHILOSOPHY

An educational philosophy defines the school's core beliefs and values about education. The educational philosophy should address the diverse needs of the student population and should be founded on an understanding of effective, research-based educational practices and high standards for student learning. Based on this educational philosophy, the school incorporates a pedagogical approach, curriculum, assessment, culture, and other elements that create a comprehensive educational program.

When describing the school's educational philosophy, applicant groups should:

- ✓ Describe the founding group's core beliefs and values about education.
- ✓ Describe how this educational philosophy aligns with the school's mission and is integrated into the implementation of the comprehensive educational program.
- ✓ Demonstrate that the philosophy will serve the diverse needs of individual students.
- ✓ Provide research including explicit citations on this educational philosophy that demonstrates it may improve the academic performance of the anticipated student population and its diverse needs. Include specific subgroups of students consistent with requirements of M.G.L. c. 71, § 89 for a recruitment and retention plan. (Also see section III.A of the final application section.)

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed educational philosophy is different from the existing school's educational philosophy and how it differs.
- ✓ Explain the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

B. CURRICULUM AND INSTRUCTION

Charter schools have the freedom to choose and/or develop curriculum models that best reflect the mission and educational philosophy of the school and that best serve the needs of the expected student population. Regardless of whether the curriculum is purchased or internally developed, it is important that it aligns with the Massachusetts Curriculum Frameworks (MCF) since MCAS tests are based on the learning standards outlined in the MCF. Additional information about the MCF can be found at <http://www.doe.mass.edu/frameworks/>. Charter schools also have the freedom to determine the instructional methods that will be used to deliver the chosen curriculum model(s).

When describing the school's curriculum and instruction, applicant groups should:

- ✓ Be consistent with the mission and educational philosophy of the school.
- ✓ Provide research on the curriculum and instruction that demonstrates it will result in high academic achievement and include citations.

Curriculum

- ✓ Explain the process utilized to identify the curriculum that will be used by the school and provide reasons why the curriculum was chosen for the school.
- ✓ Provide an outline of the curriculum that will be used by the school, *including* the content and skills to be taught in the core content areas at each grade level.⁴ Four grade levels should be included in the text of the application. All additional grade levels must be included in the attachments but will not be counted toward the page limit. For proposed schools that plan to have fewer than four grade levels, please include all the intended grades in text of the application.

⁴ Content is what students should know; skills are what students should be able to do; and the core content areas include English, reading/language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

- ✓ Include non-academic goals for students that are consistent with the stated mission, academic program, and educational philosophy of the school.
- ✓ Describe a clear plan and curricular components that will facilitate ongoing development, improvement, and refinement of the curriculum.
- ✓ Describe the process and procedures used to evaluate whether the curriculum is effective and successfully implemented.
- ✓ Describe the process that will be used to align the curriculum to the MCF.
- ✓ Identify which individual(s) on the school's organizational chart will be responsible for the above processes and procedures.

Instruction

- ✓ Describe the pedagogy or instructional methods that will be used to deliver the curriculum model(s).
- ✓ Describe how these instructional methods support high standards of achievement and are accessible and appropriate for all students at all levels, including students with diverse learning styles, English language learners, special education students, students who enter below grade level and other at-risk students who should be targeted in order to eliminate the achievement gap.
- ✓ Explain how the school will ensure that teachers are proficient in delivering the chosen instructional methods.
- ✓ Briefly explain the process for teacher evaluation.
- ✓ Describe how the school will determine the professional development needs of the staff.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed curriculum and instruction is different from the existing school's curriculum and instruction and how it differs.
- ✓ Explain the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

C. ASSESSMENT SYSTEM

An integrated assessment system including the MCAS, serves as a structure for how teachers and administrators will measure what students know and are able to do as a result of the delivery of curriculum and instruction. Components of the assessment system can also be used to establish and monitor goals in the school's required Accountability Plan. Information from assessments serves to help determine what areas of instruction need additional time, the needs of individual students, the quality of instruction, decisions on improvement strategies, and the school's overall progress in meeting Accountability Plan goals. While choosing which data to collect and setting up the systems to track data in a reliable and consistent manner can be a challenging and time intensive activity, it can also be a truly valuable one. Ultimately, the assessment system provides information to all stakeholders on whether the school is an academic success. The proposed system should reflect how the school would link curriculum and instruction to assessment by measuring the academic progress of individual students, cohorts of students over time, and students in school as a whole, with the goal of continual school improvement.

When describing the school's assessment system, applicant groups should:

- ✓ Indicate which individual(s) in the school have primary responsibility for overseeing the assessment system.
- ✓ Describe how achievement data will be collected and how it will be used.
- ✓ Indicate whether, in addition to administering the MCAS tests as required by state law, the school will use additional standardized assessment tools to determine and report student progress. In either case, explain why that decision was made for the targeted population and how the data will be used.
- ✓ Include descriptions and/or examples of assessments that are consistent with the school's mission, program, and high expectations of students, and that are based upon research.

- ✓ Describe which internal/school-developed instruments will be administered in order to measure and report student progress. Explain why these particular assessments were selected for the targeted student population and how the data will be used.
- ✓ Define a meaningful and practical approach for measuring student progress toward attaining non-academic goals.
- ✓ Feature multiple measures of student outcomes that may include reports of absolute scores, within-year student gains/losses, and year-to-year student gains/losses.
- ✓ Provide a thorough, clear, measurable, externally credible, and conceptually sound design for measuring and reporting the performance and progress of the school as a whole and the academic and social development of each student to all relevant stakeholders. Indicate which audiences will receive this information and how often.
- ✓ Describe how each of the following stakeholder groups will use student achievement data:
 - o The school's board of trustees
 - o School administrators
 - o Teachers
 - o Students
 - o Parents
- ✓ Explain how the assessment system is linked to curriculum and instruction, facilitates decision making about necessary adjustments to the educational program, and informs any staff development plan that will support the goal of improved student learning.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed assessment system is different from the existing school's assessment system and how it differs.
- ✓ Explain the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

D. SCHOOL CHARACTERISTICS

The school calendar, organization of students within the educational program, and the school culture are just a few of the elements that characterize a school. Your school's characteristics should be consistent with the proposed mission and educational philosophy and program.

When describing the school's characteristics, applicant groups should:

- ✓ Describe the school calendar, including the number of days school will be in session, the daily hours of operation, and the way the school will be organized for instruction, independent study, and extra- or co-curricular activities, if any. Please be specific in describing these items and pay attention to the state requirements on minimum number of school days and instructional hours as described in 603 CMR 27.00, available online at <http://www.doe.mass.edu/lawsregs/603cmr27.html>.
- ✓ Describe the grade levels at which students will be admitted to the school and the required age for kindergarten admission, if applicable.
- ✓ Describe any external programs that will be brought into the school and why.
- ✓ Describe the implementation of the educational program in terms of the daily or weekly organization of students and faculty (e.g., multi-grade, tracking, team-teaching, etc.).
- ✓ Describe the proposed school's methods and strategies for supporting students with a wide range of needs.
- ✓ Summarize, for illustrative purposes, a typical day from the perspective of a student in a grade level of your choice.
- ✓ Summarize, for illustrative purposes, a typical day from the perspective of a teacher of any subject or grade of your choice.
- ✓ Describe the culture of the school.
- ✓ Provide a clear plan for establishing a school culture and norms consistent with the school's mission and educational program and describe how it is implemented for administrators, teachers, students, and parents, from the first day of the school's operation.

- ✓ Describe how the school plans to involve parents/guardians as partners in the education of their children and build and maintain family-school partnerships that focus on strengthening support for the school's goals.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed school characteristics and culture are different from the existing school's characteristics and culture and how they differ.
- ✓ Describe any proposed changes in expectations for staff.
- ✓ Explain the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

E. SPECIAL STUDENT POPULATIONS AND STUDENT SERVICES

All charter schools in Massachusetts are public schools that enroll students through a lottery process. Therefore, all charter schools must be prepared to enroll students with diverse learning needs including limited English proficient students and students with disabilities, all of whom must be provided with full and meaningful access to the general educational curriculum.

The general education classroom needs to be an environment which is responsive to the educational needs of all children, and accommodates their needs to the maximum extent appropriate. A continuum of services must also be available through the school so that all students can participate fully in the educational goals and mission of the school as described in its charter. This section of the prospectus should describe the school's programs and services, and how they will be implemented within the context of your proposed school. Please refer to Appendix I to review the required elements of the English language education policies and procedures to be described within both the prospectus and final application..

For information on special education, please see the Massachusetts Primer on Special Education and Charter Schools found at <http://www.doe.mass.edu/charter/sped/default.html>. For information on special education laws and regulations see <http://www.doe.mass.edu/sped/laws.html>. For information on the laws and regulations relating to English language learners, see <http://www.doe.mass.edu/lawsregs/603cmr14.html>. For guidance on English language learners, please see the Department's website at http://www.doe.mass.edu/ell/guidance_laws.html. For information regarding school lunch and nutrition programs, please refer to <http://www.doe.mass.edu/cnp/>.

When describing the school's plan for special student populations and student services, applicant groups should:

- ✓ Describe your plan for a responsive, general education classroom and how you will provide students with disabilities and/or limited English proficiency access to the general education curriculum.
- ✓ Describe the processes and procedures that the proposed school will employ to identify, assess, and serve students who are English language learners. Include a description of support services to be offered, the settings in which these required services will be implemented, the qualifications of individuals who will implement these services, and how the program will be evaluated. Indicate what role, if any, the district will have in assessment and delivery of services.
- ✓ Describe the processes and procedures that the proposed school will employ to identify, assess, and provide specialized instruction to each student in need of special education services. Include a description of support services to be offered and how student identification and assessment will be conducted, including the development of individualized education programs. Include the settings in which these required services will be delivered, the qualifications of individuals who will be recruited to deliver services, and how the program will be evaluated. Indicate what role, if any, the district will have in assessment and delivery of services.
- ✓ Explain how the school plans to deliver nutritional program services to students, including what meals and/or snacks will be served and when. Indicate what role, if any, the district will have in delivery of the school's nutritional program.

- ✓ Describe any ancillary and support services you expect to offer students and families, for example, counseling, family outreach, and/or relationships with community organizations or service agencies which may benefit community members. Describe the school's ability, if any, to access programs offered by the district, including arts or sports programs.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the school's plan to work with special student populations and student services is different from the existing school's plan and how it differs.
- ✓ Provide an analysis of what has worked at the existing school for special student populations, what has not worked, and why.
- ✓ Report on which, if any, subgroups need particular attention to reach achievement goals.
- ✓ Explain the process to be used by the founding group and potential board of trustees to make these changes and support successful implementation.

III. HOW WILL THE SCHOOL DEMONSTRATE ORGANIZATIONAL VIABILITY?

A. CAPACITY

Public school charters are granted to a board of trustees. Members of the board of trustees are public agents authorized by the state and are responsible for governing charter schools. In general, it is important that these individuals possess a wide variety of skills and qualifications that will enable them to found and sustain an excellent school. Members of a founding group may be proposed for the school's board of trustees or may assume other roles in the school. Each founding group should be able to clearly define who is proposed to be a member of the board of trustees and what other roles will be assumed. The proposed board of trustees must be of a number sufficient to provide oversight of the school and to participate in the considerable amount of work required to open a charter school.

When describing the capacity of the founding group and/or proposed board of trustees, applicant groups should:

- ✓ Describe briefly how the founding group came together to form this proposed school and why the group is united to establish the proposed charter school.
- ✓ Explain how often the group meets, how the planning and writing process is completed, and identify the primary author of the prospectus.
- ✓ Summarize briefly within the text of the document each founder's and/or proposed board member's experience and qualifications, including previous charter school board or employment experience. . The experience and qualifications should demonstrate that the founders and/or proposed board members:
 - have the experience and qualifications necessary to implement the proposal;
 - demonstrate the capacity to found and sustain an excellent charter school;
 - can manage public funds effectively and responsibly;
 - include members who possess skills and experience in areas such as education, management, finance, development, and law; and
 - have tangible ties to and broad and diverse representation from the community the school will serve.
- ✓ Attach a statement of commitment and resume for each founding group member and specify whether the individual is a proposed board member, proposed school leader, or proposed for any other positions. (Statements of commitment and resumes in the attachments are not counted toward the page limit.)
- ✓ If the founding group includes the proposed school leader (or any other position at the school), indicate the process used to determine that the individual is the best candidate for the position.

B. SCHOOL GOVERNANCE

As entities of the state, public charter schools must meet a number of legal requirements set forth by the Commonwealth of Massachusetts. Many of these requirements are outlined in the *Charter School Administrative and Governance Guide: An Overview of the Laws and Regulations that Boards of Trustees and School Leaders Need to Know*, this document can be found online at <http://www.doe.mass.edu/charter/governance/adminguide.doc>. The guide begins by explaining that a strong board of trustees defines the mission of the school, develops school policies and changes them when appropriate, hires qualified personnel to manage the school's day-to-day operations and holds them accountable for meeting established goals, and formulates a long-range plan and charter school accountability plan that will ensure the school's continued stability. In addition to its many other responsibilities, the board must ensure that the school is complying with all of the state and federal laws that apply to the school and that the board itself is operating in accordance with the rules set out by all applicable Massachusetts laws and regulations. Finally, the board is responsible for operating the school in accordance with its charter and with any approved amendments to its charter.

A school's ability to carry out its purpose and objectives is largely determined by the governance structure of the school, and by developing an effective board of trustees.

When describing the governance structure, applicant groups should:

- ✓ Present an organizational chart and narrative that encompasses all employees of the school, the board of trustees, and the school district. The chart and narrative need to clarify the proposed a) reporting structure to the board of trustees and the relationship of the board to the school's leader and administration regarding the governance and management of the school, b) the reporting structure and relationship of the school's leader and administration regarding teachers, specialists, and other staff members, and c) the relationship of the board and/or school leader to the school district.
- ✓ Briefly describe the recruitment, selection, and development plans for board members.
- ✓ If the founding group intends to enter into a contract with another entity, to provide substantially all the school's educational or management services, such as an education management organization (EMO), to provide substantially all the school's educational services, please provide the following information:
 - o Identify the entity.
 - o Describe how and why the entity was selected.
 - o Include a brief summary of the entity's history, a description of how it implements its program, past results (including student academic achievement and financial status) of its school management efforts, and its educational philosophy. There should be evidence that the entity has demonstrated positive academic results and responsible fiscal management.
 - o Define the school's board of trustees' relationship with the entity and how the board of trustees will provide oversight to the entity.
- ✓ If you are submitting the prospectus with a college, university, museum, educational institution, another not-for-profit entity, or any other partner, please provide the information below:
 - o Identify the partner organization.
 - o Indicate the name of the contact person at the partner organization with the mailing address, phone number, facsimile number, and email address.
 - o Describe the nature and purpose of the school's partnerships with the organization.
 - o Briefly explain how the relationship enhances, complements, and/or supports the mission and educational philosophy of the proposed charter school.
 - o Explain if the partner organization will be involved in the governance of the school.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Describe the capacity of the potential board of trustees to evaluate the school leader(s), develop the annual budget, monitor the school's finances, conduct long-term financial and strategic planning, and manage the relationship with the local school district.
- ✓ Describe how the founding group and potential board of trustees will ensure the successful transition to the new governance structure required for a Horace Mann charter school.

IV. REQUIRED ATTACHMENTS

The following attachments are **required** and should be sequentially numbered and clearly referred to in the text. Attachments do not count toward the 30-page prospectus text limit:

A. FOUNDING GROUP MEMBERS

- ☐ Statements of commitment
- ☐ Resumes that indicate if a founder is a proposed member of the board of trustees, proposed school leader, or proposed for any other position(s).

B. CURRICULUM

- ☐ Description of the curriculum for grade levels beyond those required in the text of the application, including the content and skills to be taught in the core content areas.

C. CURRENT SCHOOL IMPROVEMENT PLAN (HORACE MANN II – CONVERSION PROSPECTUS)

- ☐ School Improvement Plan

HORACE MANN CHARTER FINAL APPLICATION OUTLINE

A final application is limited to 65 pages of text and 40 pages of specifically required and optional attachments

- ☐ Cover Page
- ☐ Information Sheet
- ☐ Certification Statement
- ☐ Statement of Assurances – Final Application for a Massachusetts Horace Mann Public Charter School
- ☐ Statement of Assurances – Federal Charter School Program Grant
- ☐ Executive Summary – no more than two pages
Summarize the proposed school’s mission and educational program, the community’s need for this school, and the founding group’s capacity to make the school a success.
- ☐ Public Statement
Include a statement of 100 words or less summarizing the proposed charter school. This statement may be shared with the media. Please include the school’s proposed sending district(s), location of facility, total grade span, and maximum enrollment.
- ☐ I. Charter School Mission, Vision, and Statement of Need
 - ☐ A. Mission Statement
 - ☐ B. Vision Statement
 - ☐ C. Statement of Need
- ☐ II. How will the school demonstrate academic success?
 - ☐ A. Educational Philosophy
 - ☐ B. Curriculum and Instruction
 - ☐ C. Promotion and Graduation Standards
 - ☐ D. Assessment System
 - ☐ E. School Characteristics
 - ☐ F. Special Student Populations and Student Services
- ☐ III. How will the school demonstrate organizational viability?
 - ☐ A. Enrollment and Recruitment
 - ☐ B. Capacity
 - ☐ C. School Governance
 - Governance Structure
 - Roles and Responsibilities
 - Policy Development
 - Board Development
 - School Management Contract
 - ☐ D. Management Structure
 - Roles and Responsibilities
 - Policy Development
 - Educational Leadership
 - Human Resources

- ☐ E. Facilities and Student Transportation
 - ☐ F. School Finances
 - Fiscal Management
 - Budget and Budget Narrative
 - ☐ G. Action Plan
- ☐ IV. How will the school demonstrate that it is faithful to the terms of its charter?
- ☐ A. Process
 - ☐ B. Goals
 - ☐ C. Narrative
 - ☐ D. Dissemination
- ☐ V. Attachments (Maximum of 40 pages)

A. Required and counted toward 40 page maximum:*All applications must contain:*

- ☐ Draft Recruitment and Retention Plan (template in Appendix G).
- ☐ Draft Organizational Chart.
- ☐ Operating Budget: Projected Revenues and Expenditures. (Appendix E, use electronic budget template, available on the Department website at <http://www.doe.mass.edu/charter/new/?section=app> and <http://www.doe.mass.edu/charter/app/budgettemplate.xls>.)

If proposing fall 2012, applications must contain:

- ☐ Complete draft bylaws (refer to bylaws checklist in Appendix F).
- ☐ Complete draft Enrollment Policy (refer to enrollment policy checklist in Appendix H).

If proposing fall 2013, applications must contain:

- ☐ Sample section of draft bylaws (refer to bylaws checklist in Appendix F).

B. Required but not counted toward 40 page maximum:

- ☐ Resume for each founding member (note any proposed position in the school or on the board of trustees if chartered).
- ☐ Statement of commitment from each founding member.
- ☐ Description of curriculum for grade levels beyond those required in the text of the application, including the content and skills to be taught in the core content areas.
- ☐ Draft management or EMO contract (if applicable).
- ☐ School Improvement Plan, for Horace Mann II (conversion) schools.
- ☐ Memoranda of Understanding.

Optional:

The choice of non-required attachments is determined by the applicant group, although attachments should only be used to provide additional evidence, support a particular aspect of the application, or lend insight into the applicant group.

HORACE MANN CHARTER FINAL APPLICATION

Due November 7, 2011

I. CHARTER SCHOOL MISSION, VISION, AND DESCRIPTION OF THE COMMUNITY TO BE SERVED

A. MISSION STATEMENT

The mission statement defines the core purpose and key values of the school and informs the public about the students the school intends to serve. It should be consistent with high academic standards and be succinct and meaningful. A school's mission statement provides the foundation for the entire charter application and for the five year term of the school's charter. The mission statement should be reflected throughout all sections of the final application.

Provide the mission statement. The mission statement should:

- ✓ Speak to the value of your school, based on its own merit.
- ✓ Inform the public about the students the charter school intends to serve.
- ✓ Be consistent with high academic standards and student success.
- ✓ Be succinct and meaningful.
- ✓ Be reflected throughout all sections of the final application.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed mission is different from the existing school's mission and how it differs.

B. VISION STATEMENT

A vision statement should provide readers with an image of the future the applicant group wishes to create. The vision statement should articulate what the school will achieve for the school community – students, parents, teachers, board members, and beyond. An effective vision statement aligns with the mission statement and is meaningful. It also serves as a vivid organizing principle that helps all stakeholders focus on the desired targeted outcomes.

Provide the vision statement. The vision statement should:

- ✓ Illustrate a compelling image of the school's future.
- ✓ Describe the ways in which the school will positively impact all stakeholders in the school.
- ✓ Align with the mission statement.
- ✓ Be meaningful.
- ✓ Serve as an organizing principle for all sections of the final application.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed vision is different from the existing school's vision and how it differs.
- ✓ Explain the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

C. DESCRIPTION OF THE COMMUNITY TO BE SERVED

The Massachusetts charter school statute states that charter schools are to be established to 1) stimulate the development of innovative programs within public education; 2) provide opportunities for innovative learning and assessments; 3) provide parents and students with greater options in choosing schools within and outside their school districts; 4) provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management; 5) encourage performance-based educational programs; 6) hold teachers and school administrators accountable for students' educational outcomes; and 7) provide models for replication in other public schools.

The application should describe the community to be served by the school and how the school will offer educational opportunity to students, including the needs of students and their families. These are essential factors that inform the design of a successful charter school, ultimately driving support for and enrollment in the school. Data on district performance on the MCAS is available on the Department's website and does not need to be reiterated here.

When describing the community the school plans to serve, applicant groups should:

- ✓ Speak to the value of your school, based on its own merit.
- ✓ Describe the student population that your proposed charter school would serve and the needs of that population.
- ✓ Briefly discuss the reason for the selection of the community and the founders' ability to serve this particular area.
- ✓ Provide a specific rationale for how this school will enhance or expand educational options including whether the innovative methods to be used by the proposed school differs from the district from which the charter school would enroll students.
- ✓ Describe how the educational option provided by the charter school will address the needs of the student population.
- ✓ Provide a description of how the founding group has assessed parental, district, teacher, and other staff support within the proposed sending district for the proposed school.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Summarize the School Improvement Plan currently in use including: data used, problem(s) identified, implementation status, and description of what has worked, what has not worked, and why. (Please attach School Improvement Plan.)
- ✓ Describe what the founding group perceives as roadblocks to successful implementation or inadequacies of the current School Improvement Plan.
- ✓ Provide an analysis of the external and internal factors, strengths and/ or needs that led the founding group to propose a Horace Mann charter school.
- ✓ Explain how this information has informed what the founding group is proposing and how becoming a Horace Mann charter school will lead to greater academic success for students.

II. HOW WILL THE SCHOOL DEMONSTRATE ACADEMIC SUCCESS?

A. EDUCATIONAL PHILOSOPHY

An educational philosophy defines the school's core beliefs and values about education. The educational philosophy should address the diverse needs of the student population and should be founded on an understanding of effective, research-based educational practices, teaching methods, and high standards for student learning. Based on this educational philosophy, the school incorporates a pedagogical approach, curriculum, assessment, culture, and other elements that create a comprehensive educational program.

When describing the school's educational philosophy, applicant groups should:

- ✓ Describe the founding group's core beliefs and values about education.
- ✓ Describe how this educational philosophy aligns with the school's mission and is integrated into the implementation of the comprehensive educational program.
- ✓ Demonstrate that the philosophy will serve the diverse needs of individual students.
- ✓ Provide research, including explicit citations on this educational philosophy that demonstrates it may improve the academic performance of the anticipated student population and its diverse needs. Include the specific subgroups of students listed in the proposed draft recruitment and retention plan (see section III.A of the application) consistent with requirements of M.G.L. c. 71, § 89.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed educational philosophy is different from the existing school's educational philosophy and how it differs.
- ✓ Explain the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

B. CURRICULUM AND INSTRUCTION

Charter schools have the freedom to choose and/or develop curriculum models that best reflect the mission and educational philosophy of the school and that best serve the needs of the expected student population. Regardless of whether curriculum is purchased or internally developed, it is important that it aligns with the Massachusetts Curriculum Frameworks (MCF) since MCAS tests are based on the learning standards outlined in the MCF. Additional information about the MCF can be found online at <http://www.doe.mass.edu/frameworks/>. Charter schools also have the freedom to determine the instructional methods that will be used to deliver the chosen curriculum model(s).

When describing the school's curriculum and instruction, applicant groups should:

- ✓ Be consistent with the mission and educational philosophy of the school.
- ✓ Provide research on the curriculum and instruction that demonstrates it will result in high academic achievement and include citations.

Curriculum

- ✓ Explain the process utilized to identify the curriculum that will be used by the school and provide reasons why the curriculum was chosen for the school.
- ✓ Provide an outline of the curriculum that will be used by the school, *including* the content and skills to be taught in the core content areas at each grade level.⁵ Four grade levels should be included in the text of the application. All additional grade levels must be included in the attachments but will not be counted

⁵ Content is what students should know; skills are what students should be able to do; and the core content areas include English, reading/language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

toward the page limit. For proposed schools that plan to have fewer than four grade levels, please include all the intended grades in text of the application.

- ✓ Include non-academic goals for students that are consistent with the stated mission, academic program, and educational philosophy of the school.
- ✓ Describe a clear plan and curricular components that will facilitate ongoing development, improvement, and refinement of the curriculum.
- ✓ Describe the process and procedures used to evaluate whether the curriculum is effective and successfully implemented.
- ✓ Describe the process that will be used to align the curriculum to the MCF.
- ✓ Identify which individual(s) on the school's organizational chart will be responsible for the above processes and procedures.

Instruction

- ✓ Describe the pedagogy or instructional methods that will be used to deliver the curriculum model(s).
- ✓ Describe how these instructional methods support high standards of achievement and are accessible and appropriate for all students at all levels, including students with diverse learning styles, English language learners, special education students, students who enter below grade level and other at-risk students who should be targeted in order to eliminate the achievement gap.
- ✓ Explain how the school will ensure that teachers are proficient in delivering the chosen instructional methods.
- ✓ Briefly explain the process for teacher evaluations.
- ✓ Describe how the school will determine the professional development needs of the staff.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed curriculum and instruction is different from the existing school's curriculum and instruction and how it differs.
- ✓ Explain the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

C. PERFORMANCE, PROMOTION, AND GRADUATION STANDARDS

Charter schools must assure that students will meet the same performance standards and assessment requirements set by the Board of Elementary and Secondary Education for students in other public schools.

When describing the school's performance, promotion and graduation standards, applicant groups should:

- ✓ Provide an example of performance standards for a grade grouping of your choice to indicate how students will be graded in three areas: mathematics, English language arts, and one other subject area of your choice. Performance standards should indicate to teachers, parents, and students the attributes that merit a particular letter grade or rubric score. Performance standards should also be clear and easy to understand, not only for teachers and administrators, but also for parents and students. Also performance, promotion, and graduation standards should be based on high expectations that are aligned with the school's mission, educational program, assessment system and the MCF.
- ✓ Clearly describe the proposed school's policies and standards for promoting students to the next grade, achievement level, or grouping level.
- ✓ Provide examples of graduation or "exit standards" for the school's grade groupings (e.g., elementary, middle, high school, or primary, upper elementary, etc.) in three areas: mathematics, English language arts, and one other subject area of your choice. These exit standards should be aligned with the school's mission and provide reviewers with a clear sense of what students will know and be able to do at the end of the last grade of each school level.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed performance, promotion, and graduation standards are different from the existing school's performance, promotion, and graduation standards and how they differ.
- ✓ Explain the process the founding group and proposed board of trustees will use to make these changes and support successful implementation.

D. ASSESSMENT SYSTEM

An integrated assessment system including the MCAS, serves as a structure for how teachers and administrators will measure what students know and are able to do as a result of the delivery of curriculum and instruction. Components of the assessment system can also be used to establish and monitor goals in the school's required Accountability Plan. Information from assessments serves to help determine what areas of instruction need additional time, the needs of individual students, the quality of instruction, decisions on improvement strategies, and the school's overall progress in meeting Accountability Plan goals. While choosing which data to collect and setting up the systems to track data in a reliable and consistent manner can be a challenging and time intensive activity, it can also be a truly valuable one. Ultimately, the assessment system provides information to all stakeholders on whether the school is an academic success. The proposed system should reflect how the school would link curriculum and instruction to assessment by measuring the academic progress of individual students, cohorts of students over time, and students in school as a whole, with the goal of continual school improvement.

When describing the school's assessment system, applicant groups should:

- ✓ Indicate which individual(s) in the school have primary responsibility for overseeing the assessment system.
- ✓ Describe how achievement data will be collected and how it will be used.
- ✓ Indicate whether, in addition to administering the MCAS tests as required by state law, the school will use additional standardized assessment tools to determine and report student progress. In either case, explain why that decision was made for the targeted population and how the data will be used.
- ✓ Include descriptions and/or examples of assessments that are consistent with the school's mission, program, and high expectations of students, and that are based upon research.
- ✓ Describe which internal/school-developed instruments will be administered in order to measure and report student progress. Explain why these particular assessments were selected for the targeted student population and how the data will be used.
- ✓ Define a meaningful and practical approach for measuring student progress toward attaining non-academic goals.
- ✓ Feature multiple measures of student outcomes that may include reports of absolute scores, within-year student gains/losses, and year-to-year student gains/losses.
- ✓ Provide a thorough, clear, measurable, externally credible, and conceptually sound design for measuring and reporting the performance and progress of the school as a whole and the academic and social development of each student to all relevant stakeholders. Indicate which audiences will receive this information and how often.
- ✓ Describe how each of the following stakeholder groups will use student achievement data:
 - o The school's board of trustees
 - o School administrators
 - o Teachers
 - o Students
 - o Parents
- ✓ Explain how the assessment system is linked to curriculum and instruction, and facilitates decision-making about necessary adjustments to the educational program and staff development plan that will support the goal of improved student learning.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed assessment system is different from the existing school's assessment system and how it differs.
- ✓ Explain the process the founding group and proposed board of trustees will use to make these changes and support successful implementation.

E. SCHOOL CHARACTERISTICS

The school calendar, organization of students within the educational program, and the school culture are just a few of the elements that characterize a school. Your school's characteristics should be consistent with the proposed mission and educational philosophy and program.

When describing school characteristics, applicant groups should:

- ✓ Describe the grade levels at which students will be admitted to the school and the required age for kindergarten admission, if applicable.
- ✓ Describe any external programs that will be brought into the school and why.
- ✓ Describe the implementation of the educational program in terms of the daily or weekly organization of students and faculty (e.g., multi-grade, tracking, team-teaching, etc.).
- ✓ Describe the proposed school's methods and strategies for supporting students with a wide range of needs.
- ✓ Summarize, for illustrative purposes, a typical day from the perspective of a student in a grade level of your choice.
- ✓ Summarize, for illustrative purposes, a typical day from the perspective of a teacher of any subject or grade of your choice.
- ✓ Describe the culture of the school.
- ✓ Provide a clear plan for establishing a school culture and norms consistent with the school's mission and educational program and describe how it is implemented for administrators, teachers, students, and parents, from the first day of the school's operation.
- ✓ Describe the school's philosophy and plans regarding student behavior and discipline for the general student population and special needs students. This should be consistent with the school's mission and educational philosophy.
- ✓ Describe how the school's discipline policy will be implemented for teachers, students, and parents starting from the first day of the school's operation.
- ✓ Describe how the school plans to involve parents/guardians as partners in the education of their children and build and maintain family-school partnerships that focus on strengthening support for the school's goals.
- ✓ Describe how parental satisfaction will be gauged and the process for gathering and publicizing parental satisfaction results.
- ✓ Describe the relationships the applicant group has established or intends to establish with community agencies and organizations that will support the school's educational program and serve the youth who attend the school. Letters of support may be included as attachments.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed school characteristics and culture are different from the existing school's characteristics and culture and how they differ.
- ✓ Describe any proposed changes in expectations for staff.
- ✓ Explain the process the founding group and proposed board of trustees will use to make these changes and support successful implementation.

F. SPECIAL STUDENT POPULATIONS AND STUDENT SERVICES

All charter schools in Massachusetts are public schools that enroll students through a lottery process. Therefore, all charter schools must be prepared to enroll students with diverse learning needs including limited English

proficient students and students with disabilities, all of whom must be provided with full and meaningful access to the general educational curriculum.

The general education classroom needs to be an environment which is responsive to the educational needs of all children, and accommodates their needs to the maximum extent appropriate. A continuum of services must also be available through the school so that all students can participate fully in the educational goals and mission of the school as described in its charter. This section of the application should describe the school's programs and services, and how they will be implemented within the context of your proposed school. . Please refer to Appendix I to review the required elements of the English language education policies and procedures to be described within both the prospectus and final application.

For information on special education, please see the Massachusetts Primer on Special Education and Charter Schools found at <http://www.doe.mass.edu/charter/sped/default.html>. For information on special education laws and regulations see <http://www.doe.mass.edu/sped/laws.html>. For information on the laws and regulations relating to English language learners, see <http://www.doe.mass.edu/lawsregs/603cmr14.html>. For guidance on English language learners, please see the Department's website at http://www.doe.mass.edu/ell/guidance_laws.html.

When describing the school's plan for special student populations and student services, applicant groups should:

- ✓ Describe your plan for a responsive general education classroom and how you will provide students with disabilities and/or limited English proficiency access to the general education curriculum.
- ✓ Describe the processes and procedures that the proposed school will employ to identify, assess, and serve students who are English language learners. Include a description of support services to be offered, the settings in which these required services will be implemented, the qualifications of individuals who will implement these services, and how the program will be evaluated. Include a description of how services for English language learners will be delivered within the school's daily schedule, the titles, salaries, and qualifications of the individuals delivering the services, and some of the methods they will use. Indicate what role, if any, the district will have in assessment and delivery of services.
- ✓ Describe the processes and procedures that the proposed school will employ to identify, assess, and provide specialized instruction to each student in need of special education. Include a description of support services to be offered and how student identification and assessment will be conducted including the development of individualized education programs. Include the settings in which required services will be delivered, the qualifications of individuals who will be recruited to deliver services and how the program will be evaluated. Include a description of how services for students in need of special education services will be delivered within the school's daily schedule, the titles, salaries, and qualifications of the individuals delivering the services, and some of the methods they will use. Indicate what role, if any, the district will have in assessment and delivery of services.
- ✓ Indicate the special education staffing levels the school intends to provide *by year* for each of your school's first five years. Include the Special Education Administrator who will work with your school, teachers, aides, and other staff, as well as the number of staff you propose to hire each year and their qualifications, salary, and the percentage of their time that will be devoted to special education. If you anticipate outsourcing services such as occupational therapy, physical therapy, or speech therapy, indicate that and if possible, indicate with whom you anticipate contracting for the provision of services. Indicate what role, if any, the district will have in assessment and delivery of services.
- ✓ Explain how the school plans to deliver nutrition program services to students, including what meals and/or snacks will be served and when. Propose a way in which you plan to administer the free and reduced lunch program. Indicate what role, if any, the district will have in delivery of the school's nutritional program.
- ✓ Describe any ancillary and support services you expect to offer students and families, for example counseling, family outreach, and/or relationships with community organizations or service agencies which may benefit community members. Include your plan to hire a school nurse and his/her role in your school. Describe the school's ability, if any, to access programs offered by the district, including arts or sports programs.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate if the school's plan to work with special student populations and student services is different from the existing school's plan how it differs.
- ✓ Provide an analysis of what has worked at the existing school for special student populations, what has not worked, and why.
- ✓ Report on which, if any, subgroups need particular attention to reach achievement goals.
- ✓ Explain the process to be used by the founding group and proposed board of trustees to make these changes and support successful implementation.

III. HOW WILL THE SCHOOL DEMONSTRATE ORGANIZATIONAL VIABILITY?

A. ENROLLMENT AND RECRUITMENT

Charter schools are public schools and are therefore open to all students. This means that a charter school may not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, ancestry, athletic performance, special need, proficiency in the English language or in a foreign language, or prior academic achievement when recruiting or admitting students. Moreover, a charter school may not set admissions criteria that are intended to discriminate or that have the effect of discriminating based upon any of these characteristics.

All Massachusetts charter schools are required to have a student recruitment and retention plan that includes deliberate, specific strategies the school will use to attract, enroll, and retain a student population that, when compared to students in similar grades in schools from which the charter school enrolls students, contains a comparable demographic and academic profile. The plan includes strategies for recruiting special education and limited English proficient students and students eligible for reduced lunch or free lunch, or who are sub-proficient on the MCAS or at risk for dropping out of school, have dropped out, or who should be targeted to eliminate the achievement gap.

When preparing the enrollment and recruitment section of the application, applicant groups should:

- ✓ Indicate in a table the number of students to be enrolled by grade each year over the five year term of the charter, as well as the maximum enrollment requested. Explain in detail your rationale for selecting the particular enrollment size for your school as well as the growth strategy you have developed.
- ✓ Link enrollment and recruitment to the parental support you outlined in the Description of Community to be Served section of the application.
- ✓ Attach a draft copy of your recruitment and retention plan. See Appendix G for the Recruitment and Retention Plan Template.
- ✓ Describe how the school will publicize its program to a broad cross-section of prospective students throughout the district(s) that the school plans to serve, including families that may be less informed about options.
- ✓ Tell how the proposed school will ensure adequate enrollment and allow for full accessibility of the school for all eligible students.
- ✓ Describe the capacity of the district to adapt to a district wide school, as apposed to “neighborhood schools.”
- ✓ Describe the proposed application and enrollment process, including a plan for a public lottery. For schools applying to open fall 2012, please include your complete draft student enrollment policy in the attachments and describe how the school will be ready for the required submission of enrollment data to the Department by mid-March 2012. See the regulations on charter school enrollment and student recruitment in Appendix A and the guidance in Appendix H.

B. CAPACITY

Public school charters are granted to a board of trustees. Members of the board of trustees are public agents authorized by the state and are responsible for governing charter schools. In general, it is important that these individuals possess a wide variety of skills and qualifications that will enable them to found and sustain an excellent school. Members of a founding group may be proposed for the school’s board of trustees or may assume other roles in the school. Each founding group should be able to clearly define who is proposed to be a member of the board of trustees and what other roles will be assumed. The proposed board of trustees must be of a number sufficient to provide oversight of the school and to participate in the considerable amount of work required to open a charter school.

When describing the capacity of the founding group and/or proposed board of trustees, applicant groups should:

- ✓ Describe briefly how the founding group came together to form this proposed school and why the group is united to establish the proposed charter school.
- ✓ Explain how often the group meets, how the planning and writing process is completed, and identify the primary author of the final application.
- ✓ Summarize briefly within the text of the document each founder's and/or proposed board member's experience and qualifications, including previous charter school board or employment experience. The experience and qualifications should demonstrate that the founders and/or proposed board members:
 - have the experience and qualifications necessary to implement the proposal;
 - demonstrate the capacity to found and sustain an excellent charter school;
 - can manage public funds effectively and responsibly;
 - include members who possess skills and experience in areas such as education, management, finance, development, and law; and
 - have tangible ties to and broad and diverse representation from the community the school will serve.
- ✓ Attach a statement of commitment and resume for each founding group member and specify whether the individual is a proposed board member, proposed school leader, or proposed for any other positions. (Statements of commitment and resumes in the attachments are not counted toward the page limit.)
- ✓ If the founding group includes the proposed school leader (or any other position at the school), indicate the process used to determine that the individual is the best candidate for the position.

C. SCHOOL GOVERNANCE

As entities of the state, public charter schools must meet a number of legal requirements set forth by the Commonwealth of Massachusetts. Many of these requirements are outlined in the *Charter School Administrative and Governance Guide: An Overview of the Laws and Regulations that Boards of Trustees and School Leaders Need to Know*, this document can be found online at

<http://www.doe.mass.edu/charter/governance/adminguide.doc>. The guide begins by explaining that a strong board of trustees defines the mission of the school, develops school policies and changes them when appropriate, hires qualified personnel to manage the school's day-to-day operations and holds them accountable for meeting established goals, and formulates a long-range plan and charter school accountability plan that will ensure the school's continued stability. In addition to its many other responsibilities, the board must ensure that the school is complying with all of the state and federal laws that apply to the school and that the board itself is operating in accordance with the rules set out by all applicable Massachusetts laws and regulations. Finally, the board is responsible for operating the school in accordance with its charter and with any approved amendments to its charter.

A school's ability to carry out its purpose and objectives is largely determined by the governance structure of the school and by developing an effective board of trustees.

(1) Governance Structure

- ✓ Present an organizational chart and narrative that encompasses all employees of the school and the board of trustees. The chart and narrative need to clarify the proposed: a) reporting structure to the board of trustees and the relationship of the board to the school's leader and administration regarding the governance and management of the school, b) reporting structure and relationship of the school's leader and administration regarding teachers, specialists, and other staff members, and c) the relationship of the board and/or school leader to the school district.
- ✓ If you are filing the application with a college, university, museum, educational institution, another not-for-profit entity, or any other partner please provide the information below:
 - Identify the partner organization.
 - Indicate the name of the contact person at the partner organization with the mailing address, phone number, facsimile number, and email address.
 - Describe the nature and purpose of the school's partnerships with the organization.

- Briefly explain how the relationship enhances, complements, and/or supports the mission and educational philosophy of the proposed charter school.
- Explain if the partner organization will be involved in the governance of the school.

(2) Roles and Responsibilities

- ✓ Describe the roles and responsibilities of the board of trustees, consistent with public accountability and charter school law.
- ✓ Explain how the board of trustees is reflective of or consistent with the school's mission and program.
- ✓ Outline the criteria and process the board will use to choose the school's leader.
- ✓ Describe the criteria and process by which the board will evaluate the school's leader.
- ✓ Describe the role distinctions between the board, the school district, and the school administration as they relate to curriculum, personnel decisions, budget allocation, and vendor selection.
- ✓ Indicate if there are any ex-officio members of the board of trustees, denoting seats that are earmarked based on a person's position or status, such as school principal, teacher, parent, or student representative. Also please indicate which members are voting or non-voting.
- ✓ Provide a brief job description for the board of trustees' chairperson, including a plan for succession when term ends.

(3) Policy Development

- ✓ Please provide a sample section of your bylaws. If you propose to open the school in fall 2012, please include a draft copy of your complete bylaws in the attachments. For further guidance, please refer to Appendix F as well as the section on bylaws in the *Opening Procedures Handbook*, available online at <http://www.doe.mass.edu/charter/guides/ophandbook.doc>.
- ✓ Describe the process by which the board of trustees will develop policies and make decisions. (For illustrative purposes, please describe the decision-making process for a decision the founding group has already made.)
- ✓ Describe the plan for seeking feedback from the school staff, parents, and the larger community when setting policy.
- ✓ Indicate whether legal counsel and an independent auditor have been obtained. If not, describe what plans there are to do so.

(4) Board Development

- ✓ Describe the orientation process for new board members.
- ✓ Describe the process the board will use for its own evaluation and development.
- ✓ Briefly describe the recruitment, selection, and development plans for board members.

(5) Memoranda of Understanding (MOU)⁶

For all Horace Mann Applicants (I, II, and III)

- ✓ Attach the signed (Type A) MOU that describes the intended relationship between the proposed charter school's board of trustees and school district.
- ✓ Referring to the (Type A) MOU, summarize the key agreements in the MOU.

Horace Mann I

- ✓ Attach the signed (Type B) MOU that describes any modifications to the collective bargaining agreement(s) between the proposed charter school, the school district and the local collective bargaining unit(s).

⁶ For Guidance for the Memoranda of Understanding , see Appendix D in this document.

Horace Mann II

- ✓ Attach the draft (Type B) MOU that describes any proposed modifications to the collective bargaining agreement(s). This MOU must be approved by a majority of the faculty at the school within 30 days of submission of application.

Horace Mann III

- ✓ Attach the draft (Type B) MOU that describes any proposed modifications to the collective bargaining agreement(s). The charter school's board of trustees must negotiate with the collective bargaining unit and school committee in good faith regarding any modifications to collective bargaining agreements following the award of a charter.

(6) School Management Contract⁷

If the founding group intends to enter into a contract with another entity to provide substantially all the school's educational or management services, such as an educational management organization (EMO), (whether or not the entity meets the requirements of proven provider), the applicant groups should:

- ✓ Identify the entity.
- ✓ Include a brief summary of the entity's history, a description of how it implements its program, past results (including student academic achievement and financial status) of its school management efforts, and its educational philosophy. There should be evidence that the entity has demonstrated positive academic results and responsible fiscal management.
- ✓ Explain how and why the entity was selected, what due diligence has been conducted and how contracting with this entity will assist the school in meeting the challenges outlined in your description of the communities.
- ✓ Describe the respective roles and responsibilities of the school's board of trustees and the entity for the financial management and oversight of the school, and the internal controls that the board will put into place, including a plan to monitor the performance of the entity to hold them accountable.
- ✓ Include a draft of the proposed contract. The draft contract may be submitted as an attachment and does not count towards the page limit. The contract must include a delineation of the roles and responsibilities of the other entity and the school, a description of how the charter school board of trustees will monitor the academic performance and fiscal activity of the school, performance evaluation measures (including student academic performance), the total fee paid for management services, a description of the payment structure, clarification of authority over hiring and firing, and the conditions and procedures for the contract's renewal and termination.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Describe the capacity of the potential board of trustees to evaluate the school leader(s), develop the annual budget, monitor the school's finances, conduct long-term financial and strategic planning, and manage the relationship with the local school district.
- ✓ Describe how the founding group and potential board of trustees will ensure the successful transition to the new governance structure required for a Horace Mann charter school.

⁷ Please see the Management Contract section of the *Opening Procedures Handbook*, available online at <http://www.doe.mass.edu/charter/guides/ophandbook.doc>; and the Purchasing section of the *Charter School Administrative and Governance Guide*, available online at <http://www.doe.mass.edu/charter/governance/adminguide.doc>. (This document indicates the Department's review criteria and protocol for management contracts.)

D. MANAGEMENT

School management is fundamental to creating an environment that can support a successful charter school. In this section we ask applicants to write about the (1) management structure; (2) roles and responsibilities; (3) policy development and implementation; (4) educational leadership; and 5) human resources.

(1) Management Structure

- ✓ Describe how the founding group determined the structure shown in the organizational chart.
- ✓ Describe the reporting structure and the plan for how the school will make key organizational decisions about curriculum and instruction, student achievement, fiscal planning, and operations.

(2) Roles and Responsibilities

- ✓ Describe the roles and responsibilities of the school's leader and other administrative staff.
- ✓ Articulate key role distinctions with regard to student achievement, personnel, financial management, and operations.

(3) Educational Leadership

- ✓ Describe the proposed process for the development, supervision, coordination, and continual assessment of the educational content and pedagogical approach of the school. Explain how the operations of the school will be aligned to support instructional goals and student achievement.
- ✓ In the last section of the application you described the criteria and process the board will use to choose the school's leader. If the educational/instructional leader is different from the school leader, describe the qualifications and attributes of an ideal educational/instructional leader.

(4) Human Resources

- ✓ Please provide a staffing chart and narrative staffing plan, for each year of the proposed charter school within the five year term of the charter. Indicate the number of administrators by title, faculty including classroom teachers by grade and/or subject, aides or assistants, special student service providers, and other specialists, clerical staff, and any other school employees. Be sure it coincides with the organizational chart and the staffing levels you described in the section on special student populations and student services. Explain the process of determining job positions, roles, and responsibilities.
- ✓ Describe the school's plan for staff recruitment, advancement, and retention.
- ✓ Explain the school's working conditions and compensation package(s) that will attract highly qualified staff.
- ✓ Explain how individual base salaries and increases will be determined. Describe how faculty and administrators will be evaluated and by whom.
- ✓ Describe plans for teachers, administrators, and other school staff to engage in professional development activities.
- ✓ Describe the qualifications and attributes of an ideal teacher for the proposed school.
- ✓ Describe briefly the teaching program of typical teachers. Indicate how many hours they will be in class and what other school-related responsibilities they will have outside the classroom (lunch duty, dismissal, advisory group, after-school program).
- ✓ Clarify the procedures for:
 - a) hiring, evaluating, transferring, promoting, and dismissing teachers (including potential layoffs in the district that could affect the charter school faculty);
 - b) hiring, evaluating, transferring, promoting, and dismissing non-teaching staff; and
 - c) communicating and coordinating between the charter school and the school district superintendent on items a) and b).
- ✓ Referring to the attached (Type B) MOU or draft (Type B) MOU that describes the intended relationship between the proposed charter school and the staff at the school, summarize the key agreements and specify the details of any relevant waivers to the local collective bargaining agreement(s).

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Indicate whether the proposed school management structure is different from the existing school's management structure and how it differs.
- ✓ Explain the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

E. FACILITIES AND STUDENT TRANSPORTATION

The school must provide facilities and transportation that meet applicable state and federal requirements, are suited to its programs, and are sufficient to serve diverse student needs. When describing plans for school facilities and student transportation, applicant groups should:

- ✓ Indicate the facilities that will be provided by the local school district and at what cost to the charter school;
- ✓ Describe financing plans, if applicable for any necessary renovations to the proposed facility, in order to meet the school's needs, local building requirements for use of the facility as a charter school, and to meet accessibility requirements.
- ✓ If possible, provide a layout and description of the proposed charter school facility. Include the number and size of classrooms, common areas, and recreational space.
- ✓ Describe how transportation services will be provided to eligible students.
- ✓ Explain how students who are physically challenged will be transported and how all students, staff, parents, and the general public who are physically challenged will have access to the school facility in accordance with state and federal law.⁸

F. SCHOOL FINANCES

Having the capability to manage school finances is essential for accountability and organizational viability. Comprehensive financial planning is an indispensable tool for successful charter school planning, program implementation, and the monitoring and evaluation of resource allocations.

(1) Fiscal Management⁹

- ✓ Explain the structure and process for managing the school's finances. Who is responsible and what are his/her qualifications?
- ✓ Describe the fiscal controls and financial management policies the board of trustees will employ to remain informed of the school's financial position.
- ✓ Describe how the school will track finances in its daily business operations in order to maintain needed cash flow.
- ✓ Referring to the attached (Type A) MOU, explain the financial arrangement with the local district that ensures the charter school's autonomy over its operations and ensures that the school receives district funds as scheduled; indicate the dates when school district funds will be transferred to the school's account. Horace Mann charter schools are required to open their own bank account.
- ✓ Describe the basis that will be used for calculating the district's payments to the school and indicate the specific services that will be provided by the local school district and at what cost to the charter school.
- ✓ Describe the capacity of the district to keep a separate accounting for the Horace Mann charter school.

⁸ For more information, please see the Coordinated Program Review Procedures, Special Education Methods of Administration at <http://www.doe.mass.edu/pqa/review/cpr/instrument/sped.pdf>, Criterion SE49A; the Coordinated Program Review Procedures, Civil Rights Methods of Administration at <http://www.doe.mass.edu/pqa/review/cpr/instrument/civilrights.pdf>, MOA 22 and the ADA checklist; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) and its accompanying regulations (34 CFR 104.21 and 104.22); and Title II of the Americans with Disabilities Act (42 U.S.C. 12132) and its accompanying regulations (28 CFR 35.149 and 35.150).

⁹ Please refer to the Department's *Recommended Fiscal Policies and Procedures Manual*, available online at <http://www.doe.mass.edu/charter/finance/auditing/> or from the Charter School Office.

(2) Operating Budget and Budget Narrative

- ✓ Download the electronic budget template from <http://www.doe.mass.edu/charter/app/budgettemplate.xls>. The print copy of the template is in Appendix E; however, instructions are included in the electronic file. Use the budget to indicate the school's estimated revenues and expenditures from the school's start-up phase through its third year of operation. Please attach a hard copy of the completed budget as an attachment to the final application. Please also submit an electronic version along with the completed application on disk.
Applications that are submitted without the electronic budget template will not be accepted.
- ✓ The budget needs to be realistic and reflect the expenses related to all commitments proposed in the application, through the proposed school's third year of operation, including the school's mission, educational program, expected student population of special education and English language learners, and human resources.
- ✓ The budget narrative should provide details to explain the projected amounts in the budget, including descriptions of administrative and instructional staff and other operating expenses. Provide this information for the first three years of the proposed school's charter.
- ✓ In the text of the application, summarize financial forecasts from the school's start-up phase through its third year of operation. Financial forecasts must include total expected realistic sources of revenue—including tuition, federal Charter Schools Program (CSP) start-up grant, other grants (federal, state, and private), and fundraising—as well as all expenditures, the timeframe for a positive cash balance, and the anticipated growth of the school. Demonstrate knowledge of the practical matters relevant to the operation of a school. Define and give support for the assumptions behind projections.
- ✓ In the text of the application, describe whether the founding group expects the school to raise additional funds and why. Briefly describe any planned fundraising efforts and who will lead and coordinate these efforts.
- ✓ In the text of the application, briefly describe any financing—short-term or long-term—that the school anticipates securing during the period covered by this budget.

A note on grants: The Department has reapplied for the federally funded Charter School Program (CSP) grant. The funding is not certain. Awards will be announced in June. If we receive the award, the grants allows new Commonwealth and Horace Mann charter schools to receive start-up funding in their planning period and first two years of operation. The purpose of the grant is to increase the number of high-quality charter schools in Massachusetts, especially those serving students who are at greatest risk of not meeting state academic standards. If chartered, the charter application serves as the initial application for the CSP start-up grant funds. In addition, as public schools, charter schools are eligible to apply for federal and state grants such as Title I and the federal Special Education Entitlement Grant. The Department's Grants Management unit website, <http://finance1.doe.mass.edu/Grants/default.html> provides information about state and federal grants that are administered by the Department.

Additional criterion for Horace Mann II (conversion) applicants:

- ✓ Describe what capacity the school needs to build to successfully manage school finances and how this will be accomplished.

G. ACTION PLAN

After a charter is granted, but before the school opens is a time of great activity. The action plan outlines the steps that need to be taken within a clear timeline for opening the school.

The applicant group's Action Plan should:

- ✓ Outline the strategies, steps, designated point person and provide a clear timeline for opening the school, dating from March 1, 2012 to the first day of school in 2012 or 2013. The action plan should be specific and consistent with the proposal's objectives. In a chart, describe the following:
 - Timeline
 - Action(s) to be taken (specific to and consistent with the application's objectives)
 - Designated point person
 - Start date and projected completion date

Applicant groups may wish to consult the *Opening Procedures Handbook*, available online at <http://www.doe.mass.edu/charter/guides/ophandbook.doc>.

IV. HOW WILL THE SCHOOL DEMONSTRATE THAT IT IS FAITHFUL TO THE TERMS OF ITS CHARTER?

Charter renewal decisions are based upon evidence regarding the success of the school's academic program; the viability of the school as an organization; and the faithfulness of the school to the terms of its charter. The accountability process for charter schools recognizes that charter schools are subject to increased accountability in exchange for increased freedom during the term of their charters. A school must demonstrate results within the term of its five year charter or risk non-renewal.

All charter schools must create an accountability plan, which sets rigorous, *measurable* goals for student learning outcomes, organizational viability, and faithfulness to charter, based on the program defined in the charter application and in consideration of the Common School Performance Criteria found in Appendix J and online at <http://www.doe.mass.edu/charter/acct.html?section=common>. This plan is finalized through work with and approval by the Charter School Office by the end of the school's first year of operation. Once approved by the Charter School Office, the accountability plan is used by the school to report the progress in its annual reports and in the site visit and renewal processes.

A. PROCESS

- ✓ Please describe the process you will undertake in the first year of the proposed school to create an effective accountability plan¹⁰. Identify who will be primarily responsible for defining and overseeing this process, as well as for collecting and analyzing the data to evaluate the school's progress towards accountability plan objectives.

B. ACCOUNTABILITY PLAN OBJECTIVES

There are three areas of charter school accountability. Please give three examples of accountability plan objectives for each area of charter school accountability, and identify the source of the data which will be used to measure meeting the objective. These objectives should be rigorous, measurable, outcome-based, and focused on core school priorities.

(1) Academic success

- ✓ For each objective, please describe the assessment that will be used to evaluate student performance and identify specific achievement targets for this performance. Because the objectives are to be accomplished by the end of the fifth year, please provide benchmarks the school will reach along the way. In creating your academic objectives, consider using different assessments and setting different types of objectives. Be sure they are clear, measurable, and data driven.

(2) Organizational viability

- ✓ For each objective, please describe the indicators that will be used to evaluate the school's organizational viability. These goals should demonstrate (if they are met) that there is sufficient support for the school, that the school manages its finances effectively, and that the school exercises sound governance and management.

(3) Faithfulness to charter

- ✓ Please describe the indicators that will be used to evaluate the school's faithfulness to its original charter. These goals should demonstrate that the school is effectively implementing the core programs and mission elements described in this application.

¹⁰ The *Guidelines for Writing Charter School Accountability Plans* may be found online at http://www.doe.mass.edu/charter/guides/acctplan_guidelines.pdf.

C. NARRATIVE

- ✓ In no more than two paragraphs, please give a narrative description of the key indicators of success you would like a renewal inspection team to see during their three-day visit in the school's fourth or fifth year. What would be a few of the key pieces of evidence you would expect the renewal inspection team to find that demonstrate the school has been successful?

D. DISSEMINATION

- ✓ Discuss ways in which the charter school will be able to provide educational models, including programs, curriculum, and teaching methods that can be replicated by other public schools.

V. REQUIRED ATTACHMENTS

Limited to 40 pages

All attachments should be sequentially numbered and clearly referred to in the text. The choice of non-required attachments is up to the applicant group, though attachments should be used to provide additional evidence, support a particular aspect of the application, or lend insight into the applicant group.

Required and counted toward 40 page maximum:

All applications must contain:

- ☐ Draft Recruitment and Retention Plan (template in Appendix G).
- ☐ Draft Organizational Chart.
- ☐ Operating Budget: Projected Revenues and Expenditures. (Appendix E, use electronic budget template, available on the Department website at <http://www.doe.mass.edu/charter/new/?section=app> and <http://www.doe.mass.edu/charter/app/budgettemplate.xls>.)

If proposing fall 2012, applications must contain:

- ☐ Complete draft bylaws (refer to bylaws checklist in Appendix F).
- ☐ Complete draft Enrollment Policy (refer to enrollment policy checklist in Appendix H).

If proposing fall 2013, applications must contain:

- ☐ Sample section of draft bylaws (refer to bylaws checklist in Appendix F).

Required but not counted toward 40 page maximum:

- ☐ Cover Sheet
- ☐ Information Sheet
- ☐ Appropriate Certification Statement (Horace Mann I, II, or III)
- ☐ Statement of Assurances form for the Final Application for a Massachusetts Horace Mann Public Charter School
- ☐ Statement of Assurances form for the Federal Charter School Program Grant
- ☐ Executive Summary (no more than two pages)
- ☐ Public Statement (100 words or less)
- ☐ Resume from each founding member (note any proposed position in the school or on the board of trustees if chartered)
- ☐ Statement of Commitment from each founding member
 - Description of curriculum for grade levels beyond those required in the text of the application, including the content and skills to be taught in the core content areas.
- ☐ Draft management or EMO contract (if applicable)
- ☐ School Improvement Plan, for Horace Mann II (conversion) schools
- ☐ Memoranda of Understanding
 - Horace Mann I**
 - ☐ The signed (Type A) MOU between the board of trustees of the proposed charter school and the school district.
 - ☐ The signed (Type B) MOU between the board of trustees of the proposed charter school, the school district and the local collective bargaining unit.
 - Horace Mann II**
 - ☐ The signed (Type A) MOU between the board of trustees of proposed charter school and the school district.

- ☐ The draft (Type B) MOU that describes any proposed modifications to the collective bargaining agreement(s).

Horace Mann III

- ☐ The signed (Type A) MOU between the board of trustees of proposed charter school and the school district.
- ☐ The draft (Type B) MOU that describes any proposed modifications to the collective bargaining agreement(s).

APPENDIX A: CHARTER SCHOOL LAWS AND REGULATIONS

CHARTER SCHOOL STATUTE, MASS. GENERAL LAWS CHAPTER 71, SECTION 89 AS AMENDED BY CHAPTER 12 OF THE ACTS OF 2010

Chapter 71, Section 89.

(a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Board”, the board of elementary and secondary education.

“Charter school”, commonwealth charter schools and Horace Mann charter schools unless specifically stated otherwise.

“Commissioner”, the commissioner of elementary and secondary education.

“Department”, the department of elementary and secondary education.

“District”, or “school district”, the school department of a city, town, regional school district, or county agricultural school.

“Superintendent”, the superintendent of the district.

(b) The purposes of establishing charter schools are:

(i) to stimulate the development of innovative programs within public education;

(ii) to provide opportunities for innovative learning and assessments;

(iii) to provide parents and students with greater options in selecting schools within and outside their school districts;

(iv) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management;

(v) to encourage performance-based educational programs;

(vi) to hold teachers and school administrators accountable for students' educational outcomes; and

(vii) to provide models for replication in other public schools.

(c) A commonwealth charter school shall be a public school, operated under a charter granted by the board, which operates independently of a school committee and is managed by a board of trustees. The board of trustees of a commonwealth charter school, upon receiving a charter from the board, shall be deemed to be public agents authorized by the commonwealth to supervise and control the charter school.

A Horace Mann charter school shall be a public school or part of a public school operated under a charter approved by the school committee and the local collective bargaining unit in the district in which the school is located; provided that all charters shall be granted by the board of elementary and secondary education. A Horace Mann charter school shall have a memorandum of understanding with the school committee of the district in which the charter school is located which, at a minimum, defines the services and facilities to be provided by the district to the charter school and states the funding of the charter school by the district. A Horace Mann charter school established as a conversion of an existing public school shall not require approval of the local collective bargaining unit, but shall require a memorandum of understanding agreement regarding any waivers to applicable collective bargaining agreements; provided further, that the memorandum of understanding shall be approved by a majority of the school faculty; provided further, that Horace Mann charter schools that are conversion of existing public schools shall not be subject to clause (1) of subsection (i).

A vote by the school faculty shall be held and finalized within 30 days of submission of the charter school application to the board of elementary and secondary education. A Horace Mann charter school shall be operated and managed by a board of trustees independent of the school committee which approved the school. The board of trustees may include a member of the school committee.

(d) Persons or entities eligible to submit an application to establish a charter school shall include, but not be

limited to: (i) a non-profit business or corporate entity; (ii) 2 or more certified teachers; or (iii) 10 or more parents; provided, however, that for profit business or corporate entities shall be prohibited from applying for a charter. The application may be filed in conjunction with a college, university, museum or other similar non-profit entity. Private and parochial schools shall not be eligible for charter school status. The board may authorize a single board of trustees to manage more than 1 charter school; provided, however, that each school is issued its own charter. The commissioner shall provide technical assistance to public school districts to assist in the development of proposals for Horace Mann charter schools.

(e) The board shall establish the information needed in an application for the approval of a charter school; provided that the application shall include, but not be limited to, a description of:

- (i) the mission, purpose, innovation and specialized focus of the proposed charter school;
- (ii) the innovative methods to be used in the charter school and how they differ from the district or districts from which the charter school is expected to enroll students;
- (iii) the organization of the school by ages of students or grades to be taught, an estimate of the total enrollment of the school and the district or districts from which the school will enroll students;
- (iv) the method for admission to the charter school;
- (v) the educational program, instructional methodology and services to be offered to students, including research on how the proposed program may improve the academic performance of the subgroups listed in the recruitment and retention plan; (vi) the school's capacity to address the particular needs of limited English-proficient students, if applicable, to learn English and learn content matter, including the employment of staff that meets the criteria established by the department;
- (vii) how the school shall involve parents as partners in the education of their children;
- (viii) the school governance and bylaws;
- (ix) a proposed arrangement or contract with an organization that shall manage or operate the school, including any proposed or agreed upon payments to such organization;
- (x) the financial plan for the operation of the school;
- (xi) the provision of school facilities and pupil transportation; (xii) the number and qualifications of teachers and administrators to be employed;
- (xiii) procedures for evaluation and professional development for teachers and administrators;
- (xiv) a statement of equal educational opportunity which shall state that charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or academic achievement;
- (xv) a student recruitment and retention plan, including deliberate, specific strategies the school will use to ensure the provision of equal educational opportunity as stated in clause (xiv) and to attract, enroll and retain a student population that, when compared to students in similar grades in schools from which the charter school is expected to enroll students, contains a comparable academic and demographic profile; and (xvi) plans for disseminating successes and innovations of the charter school to other non-charter public schools.

(f) The student recruitment and retention plan required under clause (xv) of subsection (e) shall include, but not be limited to, a detailed description of deliberate, specific strategies the school will use to maximize the number of students who successfully complete all school requirements and prevent students from dropping out. The student recruitment and retention plan shall be updated annually and shall include annual goals for:

- (i) recruitment activities;
- (ii) student retention activities; and
- (iii) student retention.

(g) To ensure that a commonwealth charter school shall fulfill its obligations under its recruitment and retention plan, the school district or districts from which the commonwealth charter school is expected to enroll students shall annually provide, at the request of a commonwealth charter school, to a third party mail house authorized by the department, the addresses for all students in the district eligible to enroll in the school, unless a student's parent or guardian requests that the district withhold that student's information; provided, however, that the

department may require the charter school to send the mailing in the most prevalent languages of the district or districts that the charter school is authorized to serve.

At the request of a school district from which a commonwealth charter school enrolls students, the charter school shall provide to a third party mail house the addresses for all students currently enrolled in the commonwealth charter school from the district; provided, however, that the information shall not be provided if a student's parent or guardian requests that the school withhold that student's information. Each district shall be permitted to supply a mailing to the third party mail house and pay for it to be copied and mailed to families of students from said district enrolled in the commonwealth charter school.

(h) An application submitted for the establishment of a commonwealth charter school shall:

- (i) be submitted to the board for approval under this section; and
- (ii) be filed with the local school committee for each school district from which the charter school is expected to enroll students.

Before final approval to establish a commonwealth charter school, the board shall hold a public hearing on the application in the school district in which the proposed charter school is to be located and solicit and review comments on the application from the local school committee of each school district from which the charter school is expected to enroll students and any contiguous districts. At least 1 member of the board shall attend the public hearing. A comprehensive written summary of all materials prepared by the department or its administrative subdivisions, which evaluates or recommends approval or disapproval of a charter application must be delivered to the members of the board, the applicant, in support of, or in opposition to, the school submitted not later than 3 days before any board vote on the charter application.

All material in support of, or in opposition to, the school submitted to the department or the board shall be made available to the applicant and affected school districts before a vote by the board on a commonwealth charter school application.

(i) (1) Not more than 120 charter schools shall be allowed to operate in the commonwealth at any time, excluding those approved pursuant to paragraph (3); provided, however, that of the 120 charter schools, not more than 48 shall be Horace Mann charter schools; provided, however, notwithstanding subsection (c) the 14 new Horace Mann charter schools shall not be subject to the requirement of an agreement with the local collective bargaining unit prior to board approval; provided, further, that after the charter for these 14 new Horace Mann charter schools have been granted by the board, the schools shall develop a memorandum of understanding with the school committee and the local union regarding any waivers to applicable collective bargaining agreements; provided, further, that if an agreement is not reached on the memorandum of understanding at least 30 days before the scheduled opening of the school, the charter school shall operate under the terms of its charter until an agreement is reached; provided, further, that not less 4 of the new Horace Mann charter schools shall be located in a municipality with more than 500,000 residents; and not more than 72 shall be commonwealth charter schools. The board shall not approve a new commonwealth charter school in any community with a population of less than 30,000 as determined by the most recent United States Census estimate, unless it is a regional charter school.

Applications to establish a charter school shall be submitted to the board annually by November 15. The board shall review the applications and grant new charters in February of the following year.

(2) In any fiscal year, no public school district's total charter school tuition payment to commonwealth charter schools shall exceed 9 per cent of the district's net school spending; provided, however, that a public school district's total charter tuition payment to commonwealth charter schools shall not exceed 18 per cent of the district's net school spending if the school district qualifies under paragraph (3). The commonwealth shall incur charter school tuition payments for siblings attending commonwealth charter schools to the extent that their attendance would otherwise cause the school district's charter school tuition payments to exceed 9 per cent of the school district's net school spending or 18 per cent for those districts that qualify under said paragraph (3).

Not less than 2 of the new commonwealth charters approved by the board in any year shall be granted for charter schools located in districts where overall student performance on the statewide assessment system approved by the board under section 1I of chapter 69 is in the lowest 10 per cent statewide in the 2 years preceding the charter application.

In any fiscal year, the board shall approve only 1 regional charter school application of any commonwealth

charter school located in a school district where overall student performance on the statewide assessment system is in the top 10 per cent in the year preceding charter application. The board may give priority to applicants that have demonstrated broad community support, an innovative educational plan, a demonstrated commitment to assisting the district in which it is located in bringing about educational change and a record of operating at least 1 school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed school seeks to serve.

(3) In any fiscal year, if the board determines based on student performance data collected pursuant to section 11, said district is in the lowest 10 per cent of all statewide student performance scores released in the 2 consecutive school years before the date the charter school application is submitted, the school district's total charter school tuition payment to commonwealth charter schools may exceed 9 per cent of the district's net school spending but shall not exceed 18 per cent.

For a district qualifying under this paragraph whose charter school tuition payments exceed 9 per cent of the school district's net school spending, the board shall only approve an application for the establishment of a commonwealth charter school if an applicant, or a provider with which an applicant proposes to contract, has a record of operating at least 1 school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed school seeks to serve, from the following categories of students, those:

- (i) eligible for free lunch;
- (ii) eligible for reduced price lunch;
- (iii) that require special education;
- (iv) limited English-proficient of similar language proficiency level as measured by the Massachusetts English Proficiency Assessment examination;
- (v) sub-proficient, which shall mean students who have scored in the "needs improvement", "warning" or "failing" categories on the mathematics or English language arts exams of the Massachusetts Comprehensive Assessment System for 2 of the past 3 years or as defined by the department using a similar measurement;
- (vi) who are designated as at risk of dropping out of school based on predictors determined by the department;
- (vii) who have dropped out of school; or
- (viii) other at-risk students who should be targeted to eliminate achievement gaps among different groups of students.

For a district approaching its net school spending cap, the board shall give preference to applications from providers building networks of schools in more than 1 municipality.

The recruitment and retention plan of charter schools approved under this paragraph shall, in addition to the requirements under subsections (e) and (f), include, but not limited to:

- (i) a detailed description of deliberate, specific strategies the charter school shall use to attract, enroll and retain a student population that, when compared to students in similar grades in schools from which the charter school shall enroll students, contains a comparable or greater percentage of special education students or students who are limited English-proficient of similar language proficiency as measured by the Massachusetts English Proficiency Assessment examination and 2 or more of the following categories: students eligible for free lunch;
- (ii) students eligible for reduced price lunch; students who are sub-proficient, those students who have scored in the "needs improvement", "warning" or "failing" categories on the mathematics or English language arts exams of the Massachusetts Comprehensive Assessment System for 2 of the past 3 years or as defined by the department using a similar measurement;
- (iii) students who are determined to be at risk of dropping out of school based on predictors determined by the department;
- (iv) students who have dropped out of school; or
- (v) other at-risk students who should be targeted in order to eliminate achievement gaps among different groups of students.

A charter school approved under this section shall supply a mailing in the most prevalent languages of the district the charter is authorized to serve to a third party mail house and pay for it to be copied and mailed to

eligible students. If a school is or shall be located in a district with 10 per cent or more of limited English-proficient students, the recruitment strategies shall include a variety of outreach efforts in the most prevalent languages of the district. The recruitment and retention plan shall be updated each year to account for changes in both district and charter school enrollment.

If a district is no longer in the lowest 10 per cent, the net school spending cap shall be 9 per cent, unless the district net school spending was above 9 per cent in the year prior to moving out of the lowest 10 per cent in which case the net school spending cap shall remain at the higher level plus enrollment previous approved by the board. The department shall determine and make available to the public a list of the school districts in said lowest 10 per cent.

(j) The board shall make the final determination on granting charter school status and may condition charters on the applicant's taking certain actions or maintaining certain conditions. The board shall establish criteria for the approval of a charter application and recommendations to the board shall be based upon and reference those criteria.

If a final application is deemed inadequate by the department, the department may provide feedback to the applicant and invite it to submit a stronger application subsequently. Once a final application has been filed, only minor, non-substantive amendments shall be allowed. The department shall maintain a written detailed summary of interviews it conducts with final charter applicants and include that summary with the final application materials that are provided to the board, local school officials and the public.

(k) A charter school established under a charter granted by the board shall be a body politic and corporate with all powers necessary or desirable for carrying out its charter program, including, but not limited to, the power to:

- (1) adopt a name and corporate seal; provided that any name selected must include the words "charter school";
- (2) sue and be sued, but only to the same extent and upon the same conditions that a municipality can be sued;
- (3) acquire real property, from public or private sources, by lease, lease with an option to purchase or by gift, for use as a school facility; provided, however, in the case of a Horace Mann charter school, the approval of the local school committee shall be obtained before acquisition of any such real property owned or controlled by the body;
- (4) receive and disburse funds for school purposes;
- (5) make contracts and leases for the procurement of services, equipment and supplies; provided, however, that if the charter school intends to procure substantially all educational services under contract with another person, the terms of such a contract must be approved by the board either as part of the original charter or by way of an amendment thereto; provided, further that the board shall not approve any such contract terms, the purpose or effect of which is to avoid the prohibition of this section against charter school status for private and parochial schools;
- (6) incur temporary debt in anticipation of receipt of funds; provided that a Horace Mann school shall obtain the approval of the local school committee and appropriate local appropriating authorities and officials relative to any proposed lien or encumbrance upon public school property or relative to any financial obligation for which the local school district shall become legally obligated; and provided further, that notwithstanding any general or special law to the contrary, the terms of repayment of any charter school's debt shall not exceed the duration of the school's charter without the approval of the board;
- (7) solicit and accept grants or gifts for school purposes; and
- (8) have such other powers available to a business corporation formed under chapter 156B that are not inconsistent with this chapter.

(l) Charter schools shall not charge a public school for the use or replication of a part of their curriculum subject to the prescriptions of a contract between the charter schools and any third party providers.

(m) Charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language or a foreign language or academic achievement.

Charter schools may limit enrollment to specific grade levels and may structure curriculum around particular areas of focus such as mathematics, science or the arts. There shall be no application fee for admission to a charter school. There shall be no tuition charge for students attending charter schools.

(n) Preference for enrollment in a commonwealth charter school shall be given to students who reside in the city or town in which the charter school is located. Priority for enrollment in a Horace Mann charter school shall be given first to students actually enrolled in the school on the date that the application is filed with the board and to their siblings; second to other students actually enrolled in the public schools of the district where the Horace Mann charter school is to be located; and third to other resident students.

If the total number of students who are eligible to attend and apply to a charter school and who reside in the city or town in which the charter school is located or are siblings of students already attending said charter school, is greater than the number of spaces available, an admissions lottery, including all eligible students applying, shall be held to fill all of the spaces in that school from among the students. If there are more spaces available than eligible applicants from the city or town in which the charter school is located and who are siblings of current students and more eligible applicants than spaces left available, a lottery shall be held to determine which of the applicants shall be admitted; provided, however, that a lottery conducted for Horace Mann charter schools shall reflect the enrollment priorities of this section.

Notwithstanding this subsection, upon application by the board of trustees of a charter school or by the persons or entities seeking to establish a charter school, the board may amend or grant a charter designating such school a regional charter school; provided, however, that such regional charter school shall be exempt from the local preference provision of this paragraph; provided further, that such regional charter school shall continue to grant a preference of siblings of currently enrolled students; and provided further, that if the number of applicants remaining is greater than the number of spaces available, such regional charter school shall conduct a single lottery to determine which applicants shall be admitted.

In any instance where a charter school approved after January 1, 2011 enrolls more than 20 per cent of its total enrollment from school districts not included in its original charter pursuant to subsection (h) for 2 consecutive years, the charter school shall submit an application to the board for an amendment to its charter that reflects its actual enrollment patterns; provided further that upon renewal of a charter school approved prior to January 1, 2011, the board shall establish a timeline of not less than 5 years for the charter to comply with this requirement.

Nothing in this section shall be construed to require a charter school to unenroll any student currently in attendance at the time this act takes effect.

When a student stops attending a charter school for any reason, the charter school shall fill the vacancy with the next available student on the waitlist for the grade in which the vacancy occurs and shall continue through the waitlist until a student fills the vacant seat. If there is no waitlist, a charter school shall publicize an open seat to the students of the sending district or districts and make attempts to fill said vacant seat. Charter schools shall attempt to fill vacant seats up to February 15, provided, however, that charter schools may but are not required to fill vacant after February 15. If a vacancy occurs after February 15, such vacancy shall remain with the grade cohort and shall be filled in the following September if it has not previously been filled. A vacancy occurring after February 15 shall not be filled by adding a student to a lower grade level. Charter schools shall attempt to fill vacant seats up to February 15, excluding seats in the last half of the grades offered by the charter school, and grades 10, 11 and 12. Within 30 days of a vacancy being filled, the charter school shall send the name of the student filling such vacancy to the department for the purposes of the department updating its waitlist.

The names of students who entered the lottery but did not gain admission shall be maintained on a waitlist, which shall be forwarded to the department not later than June 1 in the year in which the lottery is held. In addition to the names of students, the school shall supply to the department each student's home address, telephone number, grade level and other information the department deems necessary. The department shall maintain a consolidated waitlist for each municipality in order to determine the number of individual students in each municipality seeking admission to charter schools.

(o) Each charter school shall annually, not later than April 1, notify each public school district in writing of the number and grade levels of students who will be attending the charter school from that district the following September as well as the number of new students who will be transferring from that district to the charter school in the following September. Tuition for charter school students shall only be paid for the number of students for

whom notification has been reported by April 1. Tuition for charter school students shall be paid only for students actually enrolled in the school.

(p) A student may withdraw from a charter school at any time and enroll in another public school where the student resides.

A student may be expelled from a charter school based on criteria determined by the board of trustees, and approved by the board, with the advice of the principal and teachers; provided, however, that charter school policies shall be consistent with sections 37H and 37H½.

(q) A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building or any other suitable location; provided, however, that no school building assistance funds authorized under chapter 70B shall be awarded to a commonwealth charter school for the purpose of constructing, reconstructing or improving a commonwealth charter school.

(r) The school committee of each district where a Horace Mann charter school is located shall develop a plan to disseminate innovative practices of the charter school to other public schools within the district subject to the provisions of any contract between the Horace Mann charter school and any third party provider.

The commissioner shall facilitate the dissemination of successful innovation programs of charter schools and provide technical assistance for other school districts to replicate such programs. Each charter school shall collaborate with its sending district on the sharing of innovative practices.

(s) A charter school shall operate in accordance with its charter and the provisions of law regulating other public schools; provided, however, that sections 41 and 42 shall not apply to employees of commonwealth charter schools. Charter schools shall comply with the chapters 71A and 71B; provided, however, that the fiscal responsibility of a special needs student currently enrolled in or determined to require a private day or residential school shall remain with the school district where the student resides. If a charter school expects that a special needs student currently enrolled in the charter school may be in need of the services of a private day or residential school, it shall convene an individual education plan team meeting for the student. Notice of the team meeting shall be provided to the special education department of the school district in which the child resides at least 5 days in advance. Personnel from the school district in which the child resides shall be allowed to participate in the team meeting concerning future placement of the child.

(t) Horace Mann charter schools shall be exempt from local collective bargaining agreements to the extent provided by the terms of its charter; provided, however, that employees of the Horace Mann charter school shall continue to be members of the local collective bargaining unit and shall accrue seniority and shall receive, at a minimum, the salary and benefits established in the contract of the local collective bargaining unit where the Horace Mann charter school is located. Employees of Horace Mann charter schools shall be exempt from all union and school committee work rules to the extent provided by the school's charter. Employees in Horace Mann charter schools shall be required to work the full work day and work year to the extent provided by the terms of the school's charter.

(u) Notwithstanding this section or any other general or special law to the contrary, for the purposes of chapter 268A: (i) a charter school shall be deemed to be a state agency; and (ii) the appointing official of a member of the board of trustees of a charter school shall be deemed to be the commissioner.

Members of boards of trustees of charter schools operating under this section shall file a disclosure annually with the state ethics commission, the department and the city or town clerk wherein such charter school is located. The disclosure is in addition to the requirements of said chapter 268A and a member of a board of trustees must also comply with the disclosure and other requirements of said chapter 268A. The form of the disclosure shall be prescribed by the ethics commission and shall be signed under penalty of perjury. Such form shall be limited to a statement in which members of the board of trustees shall disclose any financial interest that they or a member of their immediate families, as defined in section 1 of said chapter 268A, have in any charter school located in the commonwealth or in another state or with a person doing business with a charter school.

Each member of a board of trustees of a charter school shall file such disclosure for the preceding calendar year with the commission within 30 days of becoming a member of the board of trustees, by September 1 of each year thereafter that the person is a member of the board and by September 1 of the year after the person ceases to be a member of the board; provided, however, that no member of a board of trustees shall be required to file a disclosure for the year in which he ceases to be a member of the board if he served less than 30 days in that year.

(v) Students in charter schools shall be required to meet the same performance standards, testing and portfolio requirements set by the board for students in other public schools.

(w) The board of trustees, in consultation with the teachers, shall determine the school's curriculum and develop the school's annual budget. The board of trustees of each Horace Mann charter school shall annually submit to the superintendent and school committee of the district in which the school is located a budget request for the following fiscal year. The school committee shall act on the budget request in conjunction with its actions on the district's overall budget. Each Horace Mann charter school shall receive in response to the budget request not less than it would have under the district's budgetary allocation rules. The board of trustees may appeal any disproportionate budgetary allocation to the commissioner, who shall determine an equitable funding level for the school and shall require the school committee to provide the funding.

Following the appropriation of the district's operating budget for the fiscal year, the amount approved by the local appropriating authority for the operation of each Horace Mann charter school shall be available for expenditure by the board of trustees of the school for any lawful purpose without further approval by the superintendent or the school committee. A Horace Mann charter school shall not expend or incur obligations in excess of its budget request; provided, however, that a Horace Mann charter school may spend federal and state grants and other funds received independent of the school district not accounted for in the charter school's budget request without prior approval from the superintendent or the school committee.

(x) Upon approval of a Horace Mann charter school by the board, the superintendent where the Horace Mann charter school is to be located shall reassign, to the extent provided by the terms of its charter, any faculty member who wishes to be reassigned to another school located within the district.

(y) Employees of charter schools shall be considered public employees for purposes of tort liability under chapter 258 and for collective bargaining purposes under chapter 150E. The board of trustees shall be considered the public employer for purposes of tort liability under said chapter 258 and for collective bargaining purposes under said chapter 150E; provided, however, that in the case of a Horace Mann charter school, the school committee of the school district in which the Horace Mann charter school is located shall remain the employer for collective bargaining purposes under said chapter 150E. Teachers employed by a charter school shall be subject to the state teacher retirement system under chapter 32 and service in a charter school shall be creditable service within the meaning thereof.

A charter school shall recognize an employee organization designated by the authorization cards of 50 per cent of its employees in the appropriate bargaining unit as the exclusive representative of all the employees in such unit for the purpose of collective bargaining.

(z) Each local school district shall be required to grant a leave of absence to any teacher in the public schools

system requesting such leave to teach in a commonwealth charter school. A teacher may request a leave of absence for up to 2 years.

At the end of the second year, the teacher may either return to his former teaching position or, if he chooses to continue teaching at the commonwealth charter school, resign from his school district position.

(aa) Notwithstanding section 59C, the internal form of governance of a charter school shall be determined by the school's charter.

(bb) A charter school shall comply with all applicable state and federal health and safety laws and regulations.

(cc) The students who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident district's school committee on similar terms and conditions as transportation is provided to students attending local district schools if the transportation is requested by the charter school. In providing the transportation, the school committee shall accommodate the particular school day and school year of the charter school; provided, however, that in the event that a school committee limits transportation for district school students, the school district shall not be required to provide transportation to any commonwealth charter school beyond the limitations. A charter school and the sending district shall meet to plan bus routes and charter school starting and ending times in order to assist the district with cost effective means of transportation.

Schools operating under a charter granted after January 1, 1997, and all charter schools operating during fiscal year 1999 and thereafter, shall not receive funds for transportation above the amount actually required by such charter school for the provision of transportation services to eligible students. If the sending district provides an alternative method of transportation for students enrolled in the sending district's public schools, it shall not be assessed for transportation costs which exceed the per pupil cost of said alternative. Costs for transportation shall be included only if transportation is provided for students in the same program and grade level as those in the charter school. Students who do not reside in the district in which the charter school is located shall be eligible for transportation in accordance with section 12B of chapter 76.

A regional charter school as designated by the board, and whose charter provides for transportation of all students from charter municipalities shall also be reimbursed by the commonwealth under section 16C of chapter 71 for transportation provided to pupils residing outside the municipality where the charter school is located, but no reimbursement for transportation between the charter school and home shall be made on account of any pupil who resides less than 1.5 miles from the charter school, measured by a commonly traveled route. If a charter school provides its own transportation, the school shall coordinate and collaborate with the sending district to provide cost effective means of transportation. All such transportation shall be determined in advance of the approval of the district's final budget for a fiscal year; provided, however, that a commonwealth charter school shall be required to determine such transportation in the first year of its operation as soon as practicable.

(dd) A charter granted by the board shall be for 5 years. The board shall develop procedures and guidelines for revocation and renewal of a school's charter; provided, however, that a charter for a Horace Mann charter school shall not be renewed by the board without a majority vote of the school committee and local collective bargaining unit in the district where said charter school is located; provided, however, that a commonwealth charter shall not be renewed unless the board of trustees of the charter school has documented in a manner approved by the board that said commonwealth charter school has provided models for replication and best practices to the commissioner and to other public schools in the district where the charter school is located.

When deciding on charter renewal, the board shall consider progress made in student academic achievement, whether the school has met its obligations and commitments under the charter, the extent to which the school has followed its recruitment and retention plan by using deliberate, specific strategies towards recruiting and retaining the categories of students enumerated in paragraph (3) of subsection (i) and the extent to which the school has enhanced its plan as necessary.

The board may impose conditions on the charter school upon renewal if it fails to adhere to and enhance its recruitment and retention plan as required. When deciding on charter renewal, the board shall take into account the annual attrition of students. The board shall also consider innovations that have been successfully implemented by the charter school and the evidence that supports the effectiveness of these practices. Upon

renewal of its charter, a school shall update and enhance its recruitment and retention plan as necessary to account for changes in enrollment.

(ee) The board may revoke a school's charter if the school has not fulfilled any conditions imposed by the board in connection with the grant of the charter or the school has violated any provision of its charter. The board may place conditions on a charter or may place a charter school on a probationary status to allow the implementation of a remedial plan after which, if said plan is unsuccessful, the charter may be summarily revoked.

(ff) Commonwealth charter schools shall be funded as follows: the commonwealth shall pay a tuition amount to the charter school, which shall be the sum of the tuition amounts calculated separately for each district sending students to the charter school. Tuition amounts for each sending district shall be calculated by the department using the formula set forth herein, to reflect, as much as practicable, the actual per pupil spending amount that would be expended in the district if the students attended the district schools. The tuition amount shall be calculated separately for each district sending students to a charter school, and for each charter school to which a district sends students. Each district's per pupil tuition amount for each charter school to which it sends students shall include a per pupil foundation budget component, adjusted to reflect the actual net school spending in the sending district.

In calculating the per pupil foundation budget component, the department shall calculate a foundation budget for the students from each sending district attending the charter school in the previous fiscal year, pursuant to the provisions of section 2 of chapter 70; provided, that the department shall not include in said calculation the assumed tuitioned-out special education enrollment, nor any amounts generated by said assumed enrollment, as defined by said section 2. The per pupil foundation budget component shall be the district's foundation budget for the charter school, as so calculated, divided by the number of students attending the charter school from the sending district in the previous fiscal year. The per pupil foundation budget component shall be calculated separately for each charter school to which a district sends students. The foundation budget for a charter school shall be the sum of the foundation budgets for the charter school for each district sending students to the charter school.

In adjusting the per pupil foundation budget component, the department shall calculate for each sending district an above foundation spending percentage, which shall be the percentage by which the district's actual net school spending exceeds the foundation budget for the district, as calculated pursuant to the provisions of chapter 70. The department shall further calculate the percentage of actual net school spending reported by the sending district associated with tuition costs for tuitioned-out special education students, including education that occurs in educational collaboratives, and with spending on health care costs for retired employees, for any district for which such costs are included in net school spending, and shall reduce the district's above foundation spending percentage proportionately. The per pupil foundation budget component for each charter school to which the sending district sends students shall be increased by said adjusted above foundation spending percentage.

The total tuition amount owed by a sending district to a charter school shall be the per pupil tuition amount as defined above, multiplied by the total number of students attending the charter school from that district in the current fiscal year.

The sending district's total charter school tuition amount for purposes of the following paragraphs shall be the sum of the district's tuition amounts for each charter school to which the district sends students, calculated using the provisions of this section. The receiving charter school's total charter school tuition amount shall be the sum of the tuition amounts calculated for the charter school for each district sending students to the charter school.

If a charter school student previously attended a private or parochial school or was home schooled, the commonwealth shall assume the first year cost for that student and shall not reduce the sending district's chapter 70 aid for that student's tuition in that fiscal year.

The state treasurer is hereby authorized and directed to deduct a district's total charter school tuition amount, as calculated herein, from the total state school aid, as defined in section 2 of said chapter 70, of the district in which the student resides prior to the distribution of said aid. In the case of a child residing in a municipality which belongs to a regional school district, the charter school tuition amount shall be deducted from said chapter 70 education aid of the school district appropriate to the grade level of the child. If, in a single district, the total of all such deductions exceeds the total of said education aid, this excess amount shall be deducted from other aid appropriated to the city or town. If, in a single district, the total of all such deductions exceeds the total state aid

appropriated, the commonwealth shall appropriate this excess amount; provided, however, that if said district has exempted itself from the provisions of said chapter 70 by accepting section 14 of said chapter 70, the commonwealth shall assess said district for said excess amount.

The state treasurer is hereby further authorized and directed to disburse to the charter school an amount equal to the charter school's total charter school tuition amount as defined above.

If more than 1 charter school is managed by a single network or board of trustees, funding shall not be transferred among individual schools within the network unless such schools are located in the same school district.

The department shall, subject to appropriation, provide funding to charter schools for a portion of the per pupil capital needs component included in the charter tuition amount and shall reimburse the sending school districts for said costs. In fiscal year 2011 and thereafter, such funding shall not be less than the per pupil amount provided in fiscal year 2010.

(gg) Any district whose total charter school tuition amount is greater than its total charter school tuition amount for the previous year shall be reimbursed by the commonwealth in accordance with this paragraph and subject to appropriation; provided, however, that no funds for said reimbursements shall be deducted from funds distributed pursuant to chapter 70. The reimbursement amount shall be equal to 100 per cent of the increase in the year in which the increase occurs and 25 per cent in the second, third, fourth, fifth and sixth years following.

(hh) If the unencumbered amount of cumulative surplus revenue from tuition held by a charter school at the end of a fiscal year, less (i) the amount of the fourth quarter tuition payment, (ii) the amount held in reserve for the purchase or renovation of an academic facility pursuant to a capital plan, and (iii) any reserve funds held as security for bank loans, exceeds 20 per cent of its operating budget and its budgeted capital costs for the succeeding fiscal year as is reported in a capital plan to be submitted in the school's most recent annual report, the amount in excess of said 20 per cent shall be returned by the charter school to the sending district or districts and the state in proportion to their share of tuition paid during the fiscal year. At the end of each fiscal year, the commissioner shall certify the amounts described above and the amount, if any, by which it exceeds 20 per cent of the school's operating budget and its budgeted capital costs for the succeeding fiscal year, and shall report such amount to the school committee of the sending district or districts and the applicable board of selectmen or city council by December 1 of each year. A charter school shall annually make any payment required by this subsection no later than December 31.

(ii) No teacher shall be hired by a commonwealth charter school who is not certified pursuant to section 38G unless the teacher has successfully passed the state teacher test as required in said section 38G.

(jj) Each charter school shall submit an annual report, no later than August 1, to the board, the local school committee, each parent or guardian of its enrolled students and each parent or guardian contemplating enrollment in that charter school. The annual report shall be in such form as may be prescribed by the board and shall include, but not be limited to:

- (i) discussion of progress made toward the achievement of the goals set forth in the charter; and
- (ii) a financial statement setting forth by appropriate categories the revenue and expenditures for the year just ended and a balance sheet setting forth the charter school's assets, liabilities and fund balances or equities.

The department shall promulgate regulations creating a reporting requirement for a charter school's net asset balance at the end of the fiscal year; provided, however, that said regulations shall require, without limitation, the following: the revenue and expenditures for the year just ended with a specific accounting of the uses of public and private dollars; how the capital needs component of the charter school's tuition was spent; compensation and benefits for teachers, staff, administrators, executives, and board of trustees; the amount of any and all funds transferred to a management company; the sources of any surplus funds, specifically whether they are private or public; how any surplus funds were used in the previous fiscal year; and the planned use of any surplus funds in the upcoming fiscal year on in future fiscal years.

Each charter school shall keep an accurate account of all its activities and all its receipts and expenditures and shall annually cause an independent audit to be made of its accounts. Such audit shall be filed annually on or

before January 1 with the department and the state auditor and shall be in a form prescribed by the state auditor. The state auditor may investigate the budget and finances of charter schools and their financial dealings, transactions and relationships, and shall have the power to examine the records of charter schools and to prescribe methods of accounting and the rendering of periodic reports.

(kk) The commissioner shall collect data on the racial, ethnic and socio-economic make-up of the student enrollment of each charter school in the commonwealth. The commissioner shall also collect data on the number of students enrolled in each charter school who have individual education plans pursuant to chapter 71B and those requiring English language learners programs under chapter 71A. The commissioner shall file said data annually with the clerks of the house and senate and the joint committee on education not later than December 1.

(ll) Individuals or groups may complain to a charter school's board of trustees concerning any claimed violations of the provisions of this section by the school. If, after presenting their complaint to the trustees, the individuals or groups believe their complaint has not been adequately addressed, they may submit their complaint to the board which shall investigate such complaint and make a formal response.

(mm) The board shall promulgate regulations for implementation and enforcement of this section.

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CHARTER SCHOOL REGULATIONS (603 CMR 1.00)**As voted by the Board of Elementary and Secondary Education on May 25, 2010****Background:**

Chapter 12 of the Acts of 2010, *An Act Relative to the Achievement Gap*, was signed into law on January 18, 2010 and took effect immediately. Among other things, the new law amended the charter school statute, Mass. General Laws chapter 71, section 89. These amended Charter School Regulations, 603 CMR 1.00, are now consistent with and implement the amended statute.

1.01: SCOPE, PURPOSE AND AUTHORITY

- (1) Purpose. The purpose of 603 CMR 1.00 is to provide uniform rules and procedures governing the establishment and operation of charter schools.
- (2) Authority. 603 CMR 1.00 is promulgated under the authority of M.G.L. c. 69, § 1B, and c. 71, § 89.

1.02: DEFINITIONS

As used in 603 CMR 1.00, unless the context clearly requires otherwise, terms shall have the following meanings:

Administrator. Any individual duly authorized by a charter school's board of trustees to manage the programs and operations of the charter school in accordance with its charter as well as federal and state laws and regulations.

Application Cycle. The period beginning with the availability of application information and extending through the receipt of final charter school applications for review, ending no later than the following February when the Board of Elementary and Secondary Education makes final decisions on awarding new charters. The various stages of the application cycle occur in accordance with the schedule established by the Department of Elementary and Secondary Education.

Board. The Board of Elementary and Secondary Education or a person duly authorized by the Board.

Board of Trustees. Public agents authorized by the state to supervise and control the charter school. The boards of trustees shall be considered public employers for purposes of tort liability under M.G.L. c. 258. Boards of trustees of Commonwealth charter schools shall be considered public employers for collective bargaining purposes under M.G.L. c. 150E. In the case of Horace Mann charter schools, the school committee shall be considered the public employer for purposes of collective bargaining under M.G.L. c. 150E. A board of trustees may be authorized to hold more than one charter.

Charter. A license issued by the Board under the provisions of M.G.L. c. 71, § 89, and 603 CMR 1.00, allowing the grantee to operate a charter school for a period of five years.

Charter Applicant. A charter applicant shall include but is not limited to:

- (a) a non-profit business or corporate entity;
- (b) two or more certified teachers; or
- (c) ten or more parents/guardians; provided, however, that for profit business or corporate entities shall be prohibited from applying for a charter. The application may be filed in conjunction with a college, university, museum, or other similar non-profit entity, or any combination thereof.

Charter School. A public school operated under a charter granted by the Board. This term encompasses Commonwealth and Horace Mann charter schools unless otherwise specified. A charter school is managed by a board of trustees and operates independent of any school committee. A Commonwealth charter school is considered a local education agency for all purposes. A Horace Mann charter school is a school or part of a school that operates under a charter approved and granted pursuant to 603 CMR 1.04. A Horace Mann charter school is considered a local education agency except for purposes of state aid, certain grant programs, collective bargaining, and any other purposes where such designation would conflict with law or regulation.

Commissioner. The Commissioner of Elementary and Secondary Education or his designee.

Department. The Department of Elementary and Secondary Education.

Memorandum of Understanding. An agreement or agreements among a Horace Mann charter school, the school committee of the district in which the charter school is located, and the collective bargaining unit for the district that, at a minimum, defines any modifications of the relevant collective bargaining agreement(s), services, and facilities provided by the district to the charter school, and funding of the charter school by the district.

Proven Provider. A proven provider is:

- (a) two or more persons who had primary or significant responsibility serving, for at least five years, in a leadership role in a school or similar program that has a record of academic success and organizational viability;
- (b) a non-profit education management organization or non-profit charter management organization, in operation for at least five years, that has a record of academic success and organizational viability;
- (c) the board of trustees of an existing charter school that has a record of academic success and organizational viability; or
- (d) an education management organization, charter management organization, or school support organization that has a record of academic success and organizational viability in operating or starting public schools with which an applicant proposes to contract.

Qualifications for proven providers shall be as described in 603 CMR 1.05(2).

Regional Charter School. A charter school with a charter designating it as "regional" is required to give preference in enrollment to students residing in a specified region containing more than one district.

Sending District. A Massachusetts city, town, or regional school district in which a charter school student resides and where the student would otherwise attend a public school. If a charter school has a residential component, the sending district is the city, town, or regional school district in which the parent or legal guardian of the charter school student resides or, if no parent or legal guardian can be identified, the school district in which the student last attended school.

1.03: GENERAL PROVISIONS

- (1) **Administrative Bulletins.** The Board and the Department may, from time to time, issue administrative bulletins to interpret, implement, and provide guidance on 603 CMR 1.00.
- (2) **Waivers.** Upon written request from a charter applicant or charter school board of trustees, the Board may waive the applicability of one or more provisions of 603 CMR 1.00, provided that all such requests:
 - (a) are in writing, signed by the waiver applicant;
 - (b) specify the provisions of 603 CMR 1.00 to be waived, the duration of the waiver, and the circumstances to which the waiver applies;
 - (c) include a certification that the waiver applicant has made a good faith effort to comply with said provisions; and

- (d) are accompanied by supporting documentation considered sufficient by the Board to support the special circumstances or the need for relief.

Waivers of 603 CMR 1.00 shall be considered only under circumstances the Board deems exceptional and shall be granted only to the extent allowed by law.

The Commissioner shall provide notice and opportunity to comment to the superintendent of each district served by the charter school, if the granting of the waiver would have an impact on the district.

(3) Prohibitions. Private and parochial schools are not eligible for charter school status. Charter schools may not charge students an application fee or tuition. Charter schools may not charge their students any fee related to the provision of required educational programs. Charter schools may not charge any public school for the use of their curriculum, subject to the restrictions contained in any contract between charter schools and third party providers. For-profit businesses or corporate entities may not apply for a charter.

1.04: CHARTER APPLICATION AND PROCEDURES FOR GRANTING CHARTERS

- (1) Charter Application Process. There shall be a two-stage application process leading to the granting of a charter for Commonwealth and Horace Mann applicants. Applicants shall submit to the Department prospectuses and final applications in accordance with the schedule, application form, and guidelines established by the Department for each type of charter school. Following the submission and review of prospectuses, the Commissioner will invite selected applicants to submit final applications.

- (a) Horace Mann applications shall be accepted in three categories:

1. A Horace Mann application to create a new school, submitted with the approval of the local collective bargaining unit and the school committee in the district in which it is located.
2. A Horace Mann application submitted as a conversion of an existing public school, filed with the approval of the school committee. Horace Mann conversion applications may be submitted at any time but shall participate in the two-stage application process, with similar periods of time for review of prospectuses, final applications, and charter granting, and may not open until completion of the opening procedures process.
3. A Horace Mann application to create a new school, submitted with the approval of the school committee. An agreement with the local collective bargaining unit is not required prior to board approval.

- (b) Horace Mann charter schools may be exempt from provisions of local collective bargaining agreements, provided that employees of the school will continue:

1. to be members of the local collective bargaining unit;
2. to accrue seniority; and
3. to receive at minimum, the salary and benefits established by the local collective bargaining agreement. Employees will be exempt from all union and school committee work rules to the extent provided by their charter and the memorandum of understanding with the local district, collective bargaining unit, or as voted by teachers as defined in M.G.L. c. 71, § 89.

- (2) Applications for Horace Mann charter schools shall describe in the charter application:

- (a) the type of Horace Mann charter the applicant seeks;

- (b) the proposed opening date of the school;
 - (c) the elements of the local collective bargaining agreement that apply to employees of the school, other than those already mandated by law;
 - (d) the memorandum or memoranda of understanding under which the school proposes to operate, including at a minimum:
 - (i) the services and facilities provided by the district;
 - (ii) any waivers to applicable collective bargaining agreements; and
 - (iii) the basis for calculating tuition payments from the district to the school.
 - (e) the school's first annual budget allocation from the district, consistent with the allocation for other public schools in the district and the basis on which future tuition allocations will be made.
- (3) Review Process: The Department shall review each prospectus and each final application submitted by the required deadlines. Prospectuses and final applications will be reviewed and evaluated according to criteria outlined in 603 CMR 1.05 and in the charter school application itself. In addition, the Department will conduct interviews with all final applicants in order to better assess their qualifications and capacity to start and operate a charter school.
- (4) Each applicant submitting a prospectus and a final application for a Commonwealth charter school shall also send a copy of the application to the superintendent of the school districts from which the applicant is expected to enroll students. The Board and the Department, for final applications, shall hold a public hearing in the school district in which a proposed charter school is to be located and solicit and review comments on the application from the school committees of the school district(s) from which the applicant is expected to enroll students and any contiguous districts. At least one member of the Board shall attend each public hearing soliciting comment on the merits of pending applications and shall report to the Board on the hearing.
- (5) The Board will grant new charters in February or, for Horace Mann conversion schools in 603 CMR 1.04(1)(a)(2.), at such other times as designated. The Board and Department may be assisted in this process by review panels comprised of individuals appointed by the Commissioner. Members of these panels may review applications but the reviewers' role shall be solely advisory.
- (6) Granting of Charters.
- (a) The Board shall grant charters to charter boards of trustees under M.G.L. c. 71, § 89, and under such conditions and at such time as the Board specifies under 603 CMR 1.05(3).
 - (b) A charter granted by the Board shall be effective for five years, beginning July 1st of the first fiscal year the school enrolls students, unless revoked pursuant to M.G.L. c. 71, § 89, and 603 CMR 1.13. If no students are attending a charter school within 19 months from the date the charter was granted, the charter will be null and void, unless an extension is granted by the Commissioner.
 - (c) Should the Board elect to award fewer than the number of charters specified under M.G.L. c. 71, § 89, in any given cycle, the Board may grant those charters not awarded in any subsequent application cycles in addition to the number of charters scheduled to be awarded and notwithstanding any limitations on the number of new charters authorized in such year.
 - (d) The Board may award any charter revoked or returned to the Board in subsequent application cycles in addition to the number of charters scheduled to be awarded and notwithstanding any limitations on the number of new charters authorized in such year.
 - (e) The Board will use the most recent United States Census estimate to determine the population of a city or town proposed as the location for a charter school.
 - (f) Private and parochial schools shall not be eligible for charter school status. If members of a charter applicant group are on the governing board or management of a private or parochial

school that plans to close or closes around the time of receiving a charter, it creates a rebuttable presumption that the private or parochial school is seeking charter status for the purpose of securing public funding. To rebut this presumption, the applicant group must establish facts sufficient for the Department to determine that funding is not the primary reason they are seeking a charter as the private or parochial school is closing. In making a determination, the Department will compare the governance, management, and other characteristics of the private or parochial school and the governance, management, and other characteristics of the charter school, including but not limited to curriculum, student body, staff, leadership, location, and the financial plan for the school.

1.05: CRITERIA FOR ASSESSMENT AND APPROVAL OF CHARTER APPLICATIONS, AWARDING OF CHARTERS

- (1) Criteria for Assessment and Approval of Charter Applications. The Department will review charter applications to ensure that the applicant has, at a minimum, demonstrated the ability:
- (a) to further the purposes for establishment of charter schools specified in M.G.L. c. 71, § 89;
 - (b) to conform with M.G.L. c. 71, § 89, and all other applicable laws and regulations, including any guidelines the Board may issue, and including those related to English learners and students with disabilities;
 - (c) to assure that the charter school will meet its enrollment projections through demonstration of support for the proposed charter school in the communities from which students would be likely to enroll;
 - (d) to assure that the charter school will implement its recruitment and retention plan;
 - (e) to assure that the charter school will involve parents/guardians as partners in the education of their children;
 - (f) to describe how elements of the proposed program, either separately or as a whole, or other aspects of the school, will enhance options for students in the district(s) served;
 - (g) to demonstrate that the applicant will collaborate with the school districts from which it draws students, if a Commonwealth charter, and with other schools in its district, if a Horace Mann charter, to disseminate innovative practices;
 - (h) to develop a management structure and plan which enables the charter school to achieve the goals and mission set forth in its charter, including the selection, role, and responsibilities of the board of trustees;
 - (i) to assure that students will meet the same performance standards and assessment requirements set by the Board for students in other public schools;
 - (j) to develop an accountability plan that meets criteria established by the Department, at the end of the first year of the school's charter, establishing specific five-year performance objectives to help measure the school's progress and success in raising student achievement, establishing a viable organization, and fulfilling the terms of its charter;
 - (k) to administer its educational programs, school operations, and finances effectively;
 - (l) to establish a process to provide to students, parents/guardians, the Board, other interested parties, and the public all information required by law and regulation, as well as to provide other information the Board may request;
 - (m) to develop an enrollment policy consistent with 603 CMR 1.06;
 - (n) to develop a recruitment and retention plan consistent with M.G.L. c. 71, § 89;
 - (o) to ensure the thoroughness and accuracy of the charter school application;
 - (p) to demonstrate that the applicant will provide school facilities that are in compliance with municipal building codes and other applicable laws, affordable, and adequate to meet the school's program requirements;
 - (q) to demonstrate the capacity of a charter school's board of trustees to effectively manage more than one school, if applicable; and
 - (r) to describe, if applicable, the applicant's intention to build a network of schools in more than one municipality.

(2) **Qualifications to Achieve Proven Provider Status.** In districts performing in the lowest 10 % statewide, under M.G.L. c. 71, § 89, and in which the 9 % net school spending cap is, or would be exceeded, applications will be considered only from proven providers. Proven provider status shall be granted by the Commissioner.

Applicants for proven provider status shall meet the requirements in 603 CMR 1.02. The applicant must submit evidence satisfactory to the Commissioner to demonstrate a significant management or leadership role at a school or similar program that is an academic success, a viable organization, and relevant to the proposed charter.

- (a) The applicant shall submit a detailed description of role(s) and responsibilities at the successful school(s) or program(s).
- (b) The applicant shall submit data demonstrating success in student academic performance and evidence of academic program success, including but not limited to:
 - (i) Proficiency levels on the Massachusetts comprehensive assessment system or equivalent assessments for all students and for one or more targeted subgroups as defined in M.G.L. c. 71, § 89(i)(3), which are similar to statewide averages in English Language Arts and mathematics for all students in Massachusetts in comparable grades, over no less than a three-year period for cohorts of students;
 - (ii) Student performance on other standardized tests over no less than a three-year period for cohorts of students, if available, which demonstrates student achievement levels that are similar to statewide averages in English Language Arts and mathematics for all students in Massachusetts in comparable grades;
 - (iii) attendance, retention, and attrition data;
 - (iv) graduation and dropout data.
- (c) The applicant shall submit evidence of organizational viability, which shall include but not be limited to effective governance, effective financial management, and compliance with applicable laws and regulations.
- (d) The applicant shall provide evidence to demonstrate that the successful school serves a student population similar to the population to be served by the proposed charter, and that the program to be offered at the proposed charter is similar to, or represents a reasonable modification of, the successful school.
- (e) Applicants shall provide any other information as required by the Commissioner.

For applicants with a current or previous relationship to a Massachusetts charter school, the Commissioner may consider all information related to such school's performance, including his evaluation in connection with each renewal of its charter.

(3) **Conditions for Awarding Charters to New Applicants or to Applicants for Renewal.** Charters shall be awarded subject to the conditions listed in 603 CMR 1.05(2) (a) through (j), paragraph and any additional conditions that the Board may specify. The Board may temporarily waive such conditions and award a charter, provided that the applicant submits adequate written assurance that all such conditions will be met prior to the opening of the school. If a new school fails to comply with any specified condition prior to the opening of the school, the Commissioner may recommend to the Board that the school be placed on probation or that the charter be revoked.

- (a) the charter applicant shall submit to the Department the names, home addresses, and employment and educational histories for the proposed members of the board of trustees and a plan for the administration and management of the school, including the organizational structure and bylaws;
- (b) in such cases where the charter school board of trustees intends to procure substantially all educational services under contract with another person, the board of trustees shall provide for the Board's approval the terms of said contract;

- (c) the charter applicant shall submit to the Department a copy of the school's criteria and procedures for expulsion of students;
 - (d) the charter applicant shall provide the Department with written documentation that a criminal background check has been performed on all employees of the school;
 - (e) the charter applicant shall provide the Department with a copy of the school's enrollment policy;
 - (f) the charter applicant shall provide the Department with a copy of the school's recruitment and retention plan;
 - (g) the charter applicant shall provide the Department with written documentation that the facilities to be used by the charter school are approved for use as a school by the building inspector in the municipality in which the building is located;
 - (h) the charter applicant shall provide the Department with written documentation that the facilities occupied by the charter school have been inspected by the Fire Department of the municipality in which the facilities are located;
 - (i) if explosives or flammable compounds or liquids are used in connection with courses taught at the school, the charter applicant shall provide the Department with written documentation that approval under M.G.L. c. 148 has been secured from the licensing authority of the municipality in which the building is located; and
 - (j) the charter applicant shall provide the Department with written documentation that the school is in compliance with all other applicable federal and state health and safety laws and regulations, including evidence of compliance with any required insurance coverage.
- (4) Information for Distribution of Public Funds. Upon receiving its charter, a charter school shall provide the Department with a federal tax identification number issued solely to the charter school, and banking information regarding a bank account solely in the name of the charter school, as required by the State Treasurer for the transfer of public funds.
- (5) The Commissioner shall annually publish a ranking of all districts that are subject to charter school tuition charges, for the purpose of determining the lowest 10 % as specified in M.G.L. c. 71, § 89(i)(2), and (i)(3). Such ranking shall be calculated by combining each district's English language arts proficiency index and mathematics proficiency index for the two school years immediately preceding the current year. Additional charter school seats resulting from a district's designation in the lowest 10 % may be awarded by the board to a new charter applicant, to existing charter schools, or to any combination thereof. The board may provisionally award seats to new charter applicants and to existing charter schools that will become available in future years pursuant to the schedule set forth in section 9 of chapter 12 of the acts of 2010, provided, that if a district is no longer in the lowest 10 %, any remaining provisional seats may not be used.
- (6) In considering an application for the creation or expansion of a regional charter school, the board shall independently assess the availability of seats for each sending district within the proposed region, and may limit the number of students who may be enrolled from each such district.

1.06: CHARTER SCHOOL ENROLLMENT AND STUDENT RECRUITMENT

- (1) Eligibility for enrollment shall be consistent with the school's grade levels. Charter schools shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or prior academic achievement. Charter schools shall receive approval from the Department of a recruitment and retention plan that meets the requirements of M.G.L. c. 71, § 89.
- (2) Charter schools may not administer tests to potential applicants or predicate enrollment on results from any test of ability or achievement. Requirements for enrollment in a charter school, including but not limited to attendance at informational meetings and interviews, shall not be designed, intended, or used to discriminate. Charter schools may not require potential students and their families to attend interviews or informational meetings as a condition of enrollment.
- (3) Schools shall give reasonable public notice, of at least one month, of all application deadlines.
- (4) In conformance with M.G.L. c. 71, § 89, enrollment in Commonwealth charter schools shall be conducted as follows:
 - a. In such cases where there are fewer spaces than eligible applicants who reside in the city or town in which a Commonwealth charter school is located, or who are siblings of students already attending said charter school, the charter school shall hold an enrollment lottery for all such applicants;
 - (b) If there are more spaces available than eligible applicants from the city or town in which said Commonwealth charter school is located and who are siblings of current students, and there are more eligible applicants from outside of that city or town than spaces available, the charter school shall hold an enrollment lottery.
 - (c) The Department shall notify each Commonwealth charter school no later than February 15th of any limitation on the number of students from a district that may be enrolled in charter schools for the upcoming school year.
 - (d) Charter schools shall place names of students not selected in an enrollment lottery on a waiting list in the order the names were drawn. In conformance with M.G.L. c. 71, § 89, charter schools shall, when a student stops attending for any reason, attempt to fill vacant seats up to February 15th, excluding seats in the last half of the grades offered and in grades ten, 11, and 12. A vacancy not filled after February 15th moves into the subsequent grade, to be filled the following September if such grade is not in the last half of the grades offered and is not grades ten, 11, or 12. Seats for students who have accepted an offer of admission in the charter school but have never attended are exempt from 603 CMR 1.06 (4)(d). If a school has an odd number of grades, the number of grades in the last half shall be rounded up to the nearest whole number.
 - (e) In cases where the enrollment of a student, who is not a sibling of another previously enrolled student, from the waiting list would exceed the district charter tuition cap, the student should be skipped over but kept on the waiting list. In cases where the enrollment of a student who is a sibling of a student already attending a charter school would exceed the district charter school tuition cap, the sibling may be enrolled with the Commonwealth of Massachusetts providing tuition for said sibling, subject to appropriation.
 - (f) In conformance with M.G.L. c. 71, § 89(n), charter schools shall submit to the Department, no later than June 1st and as of March 15th, the names, home addresses, telephone numbers, and grade levels of students who entered the lottery but did not gain admission. The same information must be submitted within 30 days of any student being admitted from the waitlist to the school to fill a vacancy in the school.
 - (g) A charter school may initiate a request once a year for a mailing to the students enrolled in each district for which the school is chartered to serve, and a district may initiate a request once a year

for a mailing to the students enrolled in any charter school serving that district. When such a request is made, the district or school, as the case may be, shall provide the names and addresses of students within 30 days, in electronic format, to an approved third party mailing service. Any vendor listed on the statewide procurement or master services agreement for mailing services shall be deemed approved for the purposes of this section. The district or school must provide parents/guardians with the opportunity to request that such information be withheld. The cost of copying and mailing shall be borne by the school or district requesting the mailing. There shall be no charge for the provision of the required names and addresses. Charter schools shall provide any such mailing in the prevalent languages of the district. A language shall be deemed a prevalent language if one percent or more of the district's total enrollment are limited English proficient students for whom that is the primary language.

- (h) In conformance with M.G.L. c. 71, § 89, enrollment in a Horace Mann charter school shall be conducted as follows:

1. priority shall be given first to any students actually enrolled in said school on the date that the final application is filed with the Board and to their siblings. In such cases where there are fewer spaces in a Horace Mann charter school than eligible applicants who were enrolled in said school, the charter school shall hold an enrollment lottery;
2. if there are more spaces available than eligible applicants from the school, and there are more applicants than spaces available who reside in the district in which the charter school is located and who are currently enrolled in the public schools of the district in which the Horace Mann charter school is located, the charter school shall hold an enrollment lottery for all such applicants; and
3. if there are more spaces available than eligible applicants from the school or district, and there are more applicants than spaces available who reside in the district in which the Horace Mann charter school is located, the charter school shall hold an enrollment lottery for all such applicants.

(5) If the principal enrollment process fails to produce an adequate number of enrolled students, a school may repeat the process more than once, if necessary, providing such process is fair and open, with reasonable public notice given at least one week prior to the application deadline. As spaces become available during the school year, a school may repeat the enrollment process to fill these openings and to meet the requirements of M.G.L. c. 70, § 89(n). No student entering an enrollment process may be admitted ahead of other eligible students who were previously placed on a waiting list during a prior enrollment process, except in cases described in to 603 CMR 1.06(4)(e). The total number of students attending a charter school in a given school year cannot exceed the total number of students reported to the Department in the previous spring in accordance with 603 CMR 1.09(4).

(6) All lotteries shall be conducted in public, with a disinterested party drawing names, and with reasonable public notice given at least one week prior to the lottery.

(7) A school may integrate its enrollment process with that of the school district, provided that the enrollment application is submitted in conjunction with the local school district and such district maintains an intra-district school choice enrollment program.

(8) A school shall specify age thresholds and ceilings for kindergarten and/or high school programs, respectively.

(9) The use of financial incentives to recruit students is prohibited.

1.07: CHARTER SCHOOL STAFF

Charter school teachers hired after August 10, 2000 must either:

- (1) take and pass, within their first year of employment at a charter school, the Massachusetts Tests for Educator Licensure; or
- (2) be already certified to teach in Massachusetts.

1.08: CHARTER SCHOOL FUNDING

(1) Horace Mann charter schools shall be funded through the local school district under the terms of the Memorandum of Understanding. A Horace Mann charter school shall submit a budget request annually, in accordance with the budget schedule of the local school district and no later than April 1st, to the superintendent and school committee of the district in which the charter school is located. The school committee shall act on the charter school budget request in conjunction with its approval of the district's overall budget. A Horace Mann charter school's budget allocation shall be consistent with the allocation of other public schools in the district. In the case of budget reductions in the school district, a Horace Mann charter school's budget may not be reduced disproportionately to other schools in the district. The charter school board of trustees may appeal any disproportionate budget allocation to the Commissioner, who shall determine an equitable funding level for the school and shall require the school committee to provide such funding.

(2) Each operating Commonwealth charter school shall receive tuition payments from each school district whose students attend the charter school. Such tuition payments shall be equal to the appropriate charter school tuition rate, as determined in accordance with 603 CMR 1.08(3), multiplied by the number of students attending the charter school from the sending district in the current year. For students who attend the charter school for less than the full year, the tuition payment shall be reduced based on the number of days of enrollment. Such tuition payments shall be paid in accordance with 603 CMR 1.08(6).

(3) For each sending district, a separate foundation budget dollar amount and charter school tuition rate shall be calculated as follows for each charter school to which the district sends students.

- (a) The foundation budget dollar amount shall be calculated, based on the foundation budget factors used for the distribution of Chapter 70 aid in the current year, provided that the out-of-district special education tuition component of the foundation budget shall be excluded from the calculation. The student data for this calculation shall be the foundation enrollment information reported by the charter school as of October 1 of the prior school year. The tuition rate shall equal the foundation budget dollar amount divided by the number of students. If no students attended a particular charter school from a particular sending district in the prior year, then the sending district's average foundation budget per pupil will be used as the tuition rate.
- (b) Each tuition rate shall be increased by the ratio of the sending district's current year budgeted net school spending, as reported on schedule 19 of the Department's end of year pupil and financial returns, to the sending district's total current year foundation budget. Amounts reported on schedule 19 for out-of-district special education tuition and retired teachers' health insurance shall be excluded from this calculation.
- (c) Each tuition rate shall be increased by a per pupil capital needs component calculated in accordance with M.G.L. c. 71, § 89(ff), and each year's general appropriations act.

(4) Any amounts appropriated under line item 7010-0030 for the purpose of per pupil facilities aid for Commonwealth charter schools shall be used to reimburse sending districts for the capital component of the tuition payments, as calculated in 603 CMR 1.08(3)(c), but shall not affect the payments due to Commonwealth charter schools.

(5) For each sending district, the sum of its tuition payment to each Commonwealth charter school, less any charter school capital facility reimbursement received pursuant to 603 CMR 1.08(4), shall be used as the district's "total charter school tuition payment" for the purposes of M.G.L. c. 71, § 89(i), and shall be used as the district's "total charter school tuition amount" for the purposes of M.G.L. c. 71, § 89(gg).

(6) The State Treasurer shall make quarterly payments to Commonwealth charter schools. In making such payments, the Commonwealth shall reduce each sending district's M.G.L. c. 70 allocation by an amount sufficient to meet its charter school obligations for the quarter. If there are insufficient M.G.L. c. 70 funds to meet a district's obligation, the Commonwealth shall reduce other state aid allocated to the applicable cities and towns. If there are insufficient state aid funds of any kind to meet a district's obligation, the Board shall recommend to the Governor and legislature that a supplemental appropriation be made to pay any remaining obligation to the charter school(s).

(7) The Department shall notify both the Commonwealth charter school and the sending district(s) of the amount of these M.G.L. c. 70 reductions.

(8) The first quarterly payment to Commonwealth charter schools shall be based on each charter school's pre-enrollment report, filed with the Department pursuant to 603 CMR 1.09(4). The remaining three quarterly payments of each fiscal year shall be based on updated enrollment reports, submitted to the Department by each charter school. Failure to submit a required enrollment report or charter school claim form may result in the withholding of some or all of a charter school's quarterly payment. Although each quarterly payment is intended to equal approximately one quarter of the projected annual amount, payments in the later quarters of each fiscal year shall include adjustments to correct any over- or under-payments in earlier quarters.

(9) In its first year of operation, a Commonwealth charter school may be paid its first quarterly payment within 45 days after the start of the Commonwealth's fiscal year. The remaining three payments shall occur at the end of the Commonwealth's second, third, and fourth fiscal quarters. After its first year of operation, a Commonwealth charter school shall receive all of its quarterly payments, including its first quarter payment, at the end of the Commonwealth's fiscal quarters. The timing of all payments to charter schools is subject to the timely enactment of the Commonwealth's annual budget.

(10) In order to facilitate the acquisition of cash-flow financing, the Commissioner may, at his discretion, provide a good faith estimate of the tuition payments expected to be made to a Commonwealth charter school during the current fiscal year, provided that such estimate shall not represent a commitment or obligation of the Commonwealth.

(11) Transportation.

- (a) All students who reside in the school district in which a charter school is located shall be provided transportation by the district, provided that either 1. transportation is provided to district students in the same grade, or
2. transportation is required by the student's individualized education program. If a district provides an alternative means of transportation for its students in a particular grade, such as public transportation passes, it may do so for charter school students in that grade. A district may not limit transportation to charter school students based on attendance zones or other geographic subdivisions of the district. The district shall accommodate the school day and school year specified in the school's charter, provided that the charter school shall make reasonable accommodations in setting its daily starting and ending times to foster cost-efficient transportation arrangements.
- (b) A charter school shall annually notify the district in which it is located of its projected transportation needs no later than February 1st prior to the start of the school year, provided that newly chartered schools shall provide such notification as soon as practicable following receipt of its charter. Charter schools shall update their projected transportation needs by April 1st based on pre-enrollment data.

- (c) If a district and a charter school are unable to reach agreement on the district's provision of transportation for all or some of the students attending said school, the charter school may provide its own transportation. The school shall make every reasonable effort to provide such transportation in the most cost effective manner possible, including but not limited to collaboration with the district. The school shall be reimbursed by the district for the actual costs incurred by the school or for the district's average per pupil cost for all in-district student transportation, whichever is less. Said reimbursements shall be subject to the Commissioner's approval and shall be paid through the Department's charter tuition payment process.

(12) Surplus determination. In fiscal year 2010 and each subsequent fiscal year, each charter school shall maintain a separate fund on its books of account for tuition revenue. The Commissioner, in consultation with the State Auditor, shall prescribe supplemental reports for the purpose of calculating the school's cumulative unspent tuition revenue, and such reports shall be submitted as part of the school's audited financial statements. Payments of excess cumulative tuition revenue due to sending districts and the commonwealth shall be made by the Commissioner through adjustments to quarterly tuition payments and quarterly local aid distributions.

(13) Capital plan and reserves. A charter school may establish, and periodically update, a capital plan identifying current and future capital projects. The Commissioner shall prescribe the information to be reported for each such project as part of the school's annual report. A charter school may establish a separate capital reserve account for each project identified in its capital plan, and may make payments into said accounts. Funds in a capital reserve account may only be used for the project or purpose for which the account was established, provided, that such funds may be transferred to another capital reserve account or to the school's operating fund with the prior approval of the Commissioner.

1.09: ONGOING REVIEW OF CHARTER SCHOOLS

(1) Annual Report. A charter school shall submit to the Board and the local school committee and make available to every parent or guardian of its enrolled students and to every parent or guardian who expresses interest in enrolling in that charter school, an annual report. The annual report shall be issued no later than August 1st of each year for the preceding school year. The annual report shall include the following information:

- (a) a financial statement setting forth by appropriate categories the unaudited revenue and expenditures for the year just ended, and a balance sheet setting forth the charter school's assets, liabilities, and fund balances or equities;
- (b) a capital plan identifying future planned capital projects and the amounts held in reserve for such projects;
- (c) for all schools chartered before February 2011, a recruitment and retention plan for school year 2011-2012 shall be submitted that meets the requirements of M.G.L. c. 71, § 89.
- (d) a report on the school's implementation of its recruitment and retention plan;
- (e) an updated recruitment and retention plan for the upcoming school year;
- (f) projections of income and expenses for the upcoming school year;
- (g) discussion of progress made toward achievement of the goals of the charter and accountability plan;
- (h) evidence that the charter school is developing or has provided models for replication and best practices in education; and
- (i) such other information as the Board may require in guidelines.

(2) Site Visits. The Department may send evaluation teams to visit each charter school on an annual or as-needed basis to corroborate and augment the information provided in the annual report in accordance with guidelines issued by the Department. Site visit teams may also gather any other evidence relevant to the school's performance. The written reports from these site visits shall become part of the charter school's record, along with any written addendum that the school wishes to submit in response to a report.

(3) Financial Audits. In accordance with M.G.L. c. 71, § 89, each charter school shall have an independent audit conducted of its accounts, consistent with generally accepted auditing principles, and consistent with any guidelines the Department may issue. Audits shall be filed annually by November 1st with the Department and the State Auditor.

(4) Enrollment Reports. Each charter school shall conclude its principal enrollment process no later than March 15th of each year, and shall file a pre-enrollment report annually with the Department in accordance with deadlines established by the Department. The Department will report to districts the aggregate number of students who are anticipated to attend charter schools during the upcoming school year from their districts and the total enrollment for each charter school. No charter school shall receive tuition payments that exceed the total enrollment for that charter school as it was reported to the Department in pre-enrollment.

In their pre-enrollment reports, charter schools must notify the Department of:

- (a) the school's total enrollment for the subsequent academic year;
- (b) the projected number of students, by grade, to be enrolled in the charter school from each sending district for the subsequent academic year; and
- (c) the number of students, by grade, from each sending district on the waiting list, who, as a result, may be enrolled in the charter school in the subsequent academic year.

Each charter school shall also submit a report by a date determined by the Department annually, of actual enrollment as of October 1st and no later than March 1st of enrollment as of February 15th. The report shall be filed on a form provided by the Board.

(5) Additional Reports. The charter school shall be responsible for filing any data reports or school returns as required under public school law and regulations, in accordance with guidelines published by the Department ensuring that charter schools are not asked for the same data more than once.

(6) As required by the Department, the charter school shall submit written documentation that the school remains in compliance with all building, health, safety, and insurance requirements established as conditions for charter granting in 603 CMR 1.05(3) and that all related inspections and approvals are current.

(7) Notification of New Circumstances. The charter school shall notify the Department in writing immediately of any change in circumstances that may have a significant impact on a charter school's ability to fulfill its goals or mission as stated in its charter. Within 30 days after receiving such notice, the Commissioner shall determine whether any remedial action is required, and shall recommend such action to the Board. Such actions may include suspension or revocation of the charter or placing the charter school on probation under 603 CMR 1.13.

(8) Additional Information. At the discretion of the Board, charter schools may be required to submit additional information other than that specifically required by 603 CMR 1.00.

(9) Signatory Authorization. Any information supplied to the Board, the Commissioner, or the Department by the charter school under 603 CMR 1.00 shall be signed by an individual given signatory authorization by the charter school board of trustees. All such information is submitted under penalty of perjury.

1.10: COMPLAINT PROCEDURE

(1) A parent, guardian, or other individuals or groups who believe that a charter school has violated or is violating any provision of M.G.L. c. 71, § 89, or 603 CMR 1.00 may file a complaint with the charter school's board of trustees.

- (2) The board of trustees shall respond no later than 30 days from receipt of the complaint in writing to the complaining party.
- (3) The board of trustees shall, pursuant to a complaint received under 603 CMR 1.10, or on its own initiative, conduct reviews to ensure compliance with M.G.L. c. 71, § 89, and 603 CMR 1.00. The charter school and the specific individuals involved shall cooperate to the fullest extent with such review.
- (4) A complaining party who believes the complaint has not been adequately addressed by the charter school board of trustees may submit the complaint in writing to the Commissioner, who shall investigate such complaint and make a written response.
- (5) In the event the charter school is found in non-compliance with M.G.L. c. 71, § 89, or 603 CMR 1.00, as a result of a complaint or upon investigation, the Commissioner or Board may take such action as it deems appropriate, including but not limited to suspension or revocation of the charter under 603 CMR 1.13, or referral of the matter to the District Attorney, the Office of the Attorney General, or any other agency for appropriate legal action.
- (6) A parent, guardian, or other individuals or groups who believe that a charter school has violated or is violating any state or federal law or regulation regarding special education may file a complaint directly with the Department.

1.11: AMENDMENTS TO CHARTERS

- (1) If a charter school plans to make a major change in its operations, the school's board of trustees shall submit in writing to the Board a request to amend its charter. Major changes are defined as those that fundamentally affect a school's mission, organizational structure, or educational program. Such changes include, but are not limited to:
 - (a) Educational philosophy or mission;
 - (b) Governance or leadership structure;
 - (c) Contractual relationships with an education management organization providing or planning to provide substantially all the school's educational services;
 - (d) Curriculum models or whole-school designs that are inconsistent with those specified in the school's charter;
 - (e) Location of facilities, if such change involves relocating or expanding to another municipality;
 - (f) Districts specified in the school's charter;
 - (g) Maximum enrollment; or
 - (h) Grades served.
- (2) If a charter school plans to make a minor change in its operations, the school's board of trustees shall submit in writing to the Commissioner a request to amend its charter. Minor changes are defined as changes that do not fundamentally alter a school's organizational structure or educational program. Such changes include, but are not limited to:
 - (a) Bylaws;
 - (b) Schedule (length of school year, school week, or school day);
 - (c) Enrollment process;
 - (d) Expulsion policy;
 - (e) Corrections and clarifications involving the mission statement or other sections of the charter;
 - (f) School name;
 - (g) Membership of the board of trustees (as specified under 603 CMR 1.05(2)(a)); or
 - (h) Memorandum of Understanding (for Horace Mann charter schools).

(3) The Commissioner and the Board may consider a charter school's compliance with applicable state, federal, and local law and the evidence the school has provided regarding the three areas set forth in 603 CMR 1.12(3) in reaching a determination regarding a school's request to amend its charter.

(4) The Board or the Commissioner shall endeavor to approve or deny amendment requests within 60 days after receiving complete requests. An amendment request for a change to a Horace Mann charter school's operations requires the approval of the local teachers' union and the local school committee.

(5) If a Commonwealth charter school seeks an amendment to change its maximum enrollment (including grades served), the municipality of its location, or the districts specified in its region; the Department will provide a copy of the request to the superintendents of the affected districts and provide them notice of their right to submit written comment to the Commissioner within 15 days.

Boards of trustees seeking amendment requests to increase maximum enrollment in districts performing in the lowest 10 % statewide, under M.G.L. c. 71, § 89, and in which the 9 % net school spending cap is or would be exceeded, must meet the performance criteria described in 603 CMR 1.05(2).

(6) Should the Commissioner deny an amendment request, the charter school's board of trustees may seek review of the Commissioner's decision by the Board.

1.12: RENEWAL OF CHARTERS

A charter school seeking renewal of its charter shall proceed as follows:

(1) The charter school shall submit its application for renewal of a charter under 603 CMR 1.00 no earlier than March 1st of the third school year and no later than August 1st after the end of fourth school year. The Board will review renewal applications pursuant to the criteria set forth in 603 CMR 1.05 and M.G.L. c. 71, § 89. For renewal applications received on or before August 1st, the Board shall notify the charter applicant of the decision to renew or not to renew the charter and the reasons therefore no later than March 1st following receipt of the renewal application. In the event the renewal is denied, the charter school shall have all rights of review as provided in M.G.L. c. 30A and 801 CMR 1.00.

(2) The charter school may apply for renewal of its charter under renewal application guidelines established by the Board. Applications for the renewal of Horace Mann charters must be submitted with the certification of a majority vote of the school committee and local collective bargaining unit.

(3) The Department shall issue guidelines describing the evaluation process to be followed in reviewing applications for charter renewal, including protocols for renewal inspections. The decision by the Board to renew a charter shall be based upon the presentation of affirmative evidence regarding the success of the school's academic program; the viability of the school as an organization, including the extent to which the school has followed its recruitment and retention plan; and the faithfulness of the school to the terms of its charter. The Department will gather evidence regarding these issues from the renewal application and from other information, including but not limited to, a school's annual reports, financial audits, test results, site visit reports, and the renewal inspection report. All charter schools will be evaluated on the same performance criteria as provided in the guidelines, provided, however, that the criteria will take into account each school's charter and accountability plan.

(4) Charters that are renewed shall be for five years from the expiration of the previous charter under such conditions as the Board may establish under 603 CMR 1.05(3). Charters of schools that do not file renewal applications shall expire at the end of the fifth year of the charter school's operation, subject to 603 CMR 1.13.

1.13: CHARTER REVOCATION, PROBATION, SUSPENSION, AND NON-RENEWAL

(1) The Board may suspend or revoke (hereinafter, "revoke") a charter for cause, including but not limited to:

- (a) a material misrepresentation in the application for approval of the charter or renewal of the charter;
- (b) failure to comply substantially with the terms of the charter, with any of the applicable provisions of M.G.L. c. 71, or with any other applicable law or regulation;
- (c) financial insolvency;
- (d) misappropriation, conversion, mismanagement, or illegal withholding of funds or refusal to pay any funds that belong to any person otherwise entitled thereto and that have been entrusted to the charter school or its administrators in their fiduciary capacities;
- (e) fraud or gross mismanagement on the part of charter school administrators or board of trustees, including but not limited to, mismanagement of the educational program and failure to provide a healthy and safe environment for students;
- (f) criminal convictions on the part of the charter school or its board of trustees; or
- (g) failure to fulfill any conditions imposed by the Board in connection with the grant or renewal of a charter.

(2) Before the Board revokes a charter, it shall notify the charter school in writing that the Board intends to revoke the charter. A vote of intent to revoke or a vote to not renew a charter shall operate as a notice of the action and does not operate as an order to show cause. In the case of a Horace Mann charter, the Board shall also notify the district in which the school is located. Except in an emergency, the Board shall send the notice 60 days before the revocation takes effect.

(3) Upon receiving a notice of intent to revoke a charter, notice of non-renewal, or notice of an emergency revocation where the health, safety or education of the school's students is at immediate risk, the school shall have all rights of review as provided in M.G.L. c. 30A, § 13, and 801 CMR 1.00. All requests for hearings, where hearings are provided by said statutes, shall be in writing, addressed to the Board, and must be received within 15 days of receipt by the charter school of notice. At such hearing, the school shall bear the burden of proof and present its case first.

(4) The Board may place a charter school on probation, rather than revoke its charter, in order to allow for the implementation of a remedial plan approved by the Board. If after 60 days, or such longer period as the Board may specify, said plan is unsuccessful in remedying the problem or alleviating the causes of the probation, the Board may summarily revoke the charter.

(5) The Department may also impose certain conditions on a school's charter for violations of law or failure to comply with the terms of the school's charter.

(6) The Board may withhold payments to any charter school placed on probation or whose charter has been suspended, revoked, or not renewed or that has failed to comply with conditions imposed by law or under 603 CMR 1.13(5).

(7) Charter schools must comply with the closing procedures established by the Department. Charter schools must begin planning for closure and compliance with the closing procedures established by the Department once the Board issues a notice of intent to revoke the school's charter, a notice of non-renewal, or notice of emergency revocation.

(8) Upon the revocation, non-renewal, or voluntary return of a Commonwealth charter, title to all of the property of the charter school shall immediately vest in the Commonwealth, subject to the rights of any secured party holding a perfected security interest in the property of such charter school. Any funds remaining after the satisfaction of the charter school's obligations shall be deposited in the General Fund.

603 CMR 1.13(8) shall not apply to the extent the charter school or any other interested party demonstrates that charter school property was purchased solely by, or solely with funds paid to the school by, persons or entities other than the Commonwealth, in which case ownership of the property shall be transferred to such persons or entities, unless otherwise voted by the board of trustees.

(9) Upon the revocation, non-renewal, or voluntary return of a Horace Mann charter, title to all of the property of the charter school shall immediately vest in the school district in which the school is located, subject to the rights of any secured party holding a perfected security interest in the property of such charter school. This regulation shall not apply to the extent the charter school or any other interested party demonstrates that charter school property was purchased solely by, or solely with funds paid to the school by, persons or entities other than the district or Commonwealth, in which case ownership of the property shall be transferred to such persons or entities, unless otherwise voted by the board of trustees.

1.14: SEVERABILITY CLAUSE

If any section or portion of a section of 603 CMR 1.00, or the applicability of 603 CMR 1.00 to any person, entity or circumstance is held invalid by a court, the remainder of 603 CMR 1.00 or the applicability of such provisions to other persons, entities or circumstances shall not be affected thereby.

Regulatory Authority:

603 CMR 1.00: M.G.L. c. 69, § 1B; c. 71, § 89.

APPENDIX B: SIDE BY SIDE COMPARISON OF TYPES OF HORACE MANN CHARTER SCHOOLS

Horace Mann Charter Schools <i>The 2010 education reform law (Chapter 12 of the acts of 2010) created two new types of Horace Mann charter schools, in addition to the original version established in 1997.</i>			
	Horace Mann I Open to any district for new school	Horace Mann II Open to any district for conversion of existing school.	Horace Mann III New schools, at least four of which are reserved for Boston.
Eligible applicants	“shall include but not be limited to: (i) a non-profit business or corporate entity; (ii) 2 or more certified teachers; or (iii) 10 or more parents; provided, however, that for profit business or corporate entities shall be prohibited from applying for a charter.” . . . may be filed in conjunction with a college, university, museum or other similar non-profit entity.	“shall include but not be limited to: (i) a non-profit business or corporate entity; (ii) 2 or more certified teachers; or (iii) 10 or more parents; provided, however, that for profit business or corporate entities shall be prohibited from applying for a charter.” . . . may be filed in conjunction with a college, university, museum or other similar non-profit entity.	“shall include but not be limited to: (i) a non-profit business or corporate entity; (ii) 2 or more certified teachers; or (iii) 10 or more parents; provided, however, that for profit business or corporate entities shall be prohibited from applying for a charter.” . . . may be filed in conjunction with a college, university, museum or other similar non-profit entity.
Managed by board of trustees?	Yes	Yes	Yes
Board membership	Independent; may include a member of the school committee	Independent; may include a member of the school committee	Independent; may include a member of the school committee
Application			
School committee approval of application	Required	Required	Required
Teachers union approval of application	Required	Not required	Not required
Application timeline	Must be submitted in accordance with annual application calendar established by Department	May be submitted at any time during the year	Must be submitted in accordance with annual application calendar established by Department

Memorandum of Understanding (MOU)			
MOU with school committee regarding services, facilities, and funding to be provided by district	Submitted with application	Submitted with application	Submitted with application
MOU regarding waivers of collective bargaining agreement provisions	MOU approved by the proposed board of trustees, the school committee, and the relevant collective bargaining units; submitted with application	MOU approved by majority of faculty at the school; faculty vote to be held within 30 days of submission of application	Negotiated in good faith with the relevant collective bargaining unit(s) and school committee following charter award; if agreement is not reached at least 30 days before scheduled opening, charter school operates under the terms of its charter
Caps			
Maximum number	Statewide limit of 48 (including HM I and HM III schools)	No limit	Statewide limit of 14; at least four must be established in Boston.
Amendments and Renewal			
Approvals required for submission of charter amendments and renewal application	School committee and teachers union	School committee and teachers union	School committee and teachers union
Recruitment and Retention Plan			
Recruitment and retention plan	Required	Required	Required
Statutory and Regulatory References			
Statute	G.L. c.71 s.89(c)	G.L. c.71 s.89(c)	G.L. c.71 s.89(i)(1)
Proposed regulations	603 CMR 1.04(1)(a)(i)	603 CMR 1.04(1)(a)(2)	603 CMR 1.04(1)(a)(3)

APPENDIX C: CRITERIA FOR HORACE MANN PROSPECTUS AND FINAL APPLICATION

The criterion listed below is for all Horace Mann applicants and refer to both the prospectus and final application, unless otherwise indicated with a **(FA)** or **(HMI)**. The criterion identified as **(FA)** indicates that they are for the final application only. The criteria identified as **(HMI)** indicates that they are additional criterion for Horace Mann II (conversion) applicants only.

I. Charter School Mission, Vision, and Statement of Need

A. Mission Statement

- The mission defines the purpose and values of the school.
- The mission informs the public about the students the charter school intends to serve.
- The mission is consistent with high academic standards and student success.
- The mission is succinct and meaningful.
- The mission is reflected throughout all sections of the application.
- **(HMI)** The application indicates whether the proposed mission is different from the existing school's mission and how it differs.

B. Vision Statement

- The vision illustrates a compelling image of the school's future.
- The vision describes the ways in which the school will positively impact all stakeholders in the school.
- The vision aligns with the mission statement.
- The vision is meaningful.
- The vision serves as an organizing principle for the application.
- **(HMI)** The application indicates whether the proposed vision is different from the existing school's vision and how it differs.
- **(HMI)** The application explains the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

C. Description of the Community to be Served

- The application speaks to the value of the school.
- The application describes the student population that the proposed charter school would serve and the needs of that population.
- The application briefly discusses the reason for the selection of the community and the founder's ability to serve this particular area.
- The application provides a specific rationale for how this school will enhance or expand the educational options, including whether the innovative methods to be used by the proposed school differ from the district from which the charter school would enroll students.
- The application describes how the educational option provided by the charter school will address the needs of the student population.
- The application describes how the founding group has assessed parental, district, teacher, and other staff support within the proposed sending district for the proposed school.
- **(HMI)** The application summarizes the School Improvement Plan currently in use at the school, including data used, problem(s) identified, implementation status, and description of what has worked, what has not worked, and why, (School Improvement Plan is attached.)
- **(HMI)** The application describes what the founding group perceives as roadblocks to the successful implementation or inadequacies of the current School Improvement Plan.
- **(HMI)** The application provides an analysis of the external and internal factors, strengths, and/or needs that moved the founding group to propose a Horace Mann charter school.

- **(HIII)** The application explains how this information has informed what the founding group is proposing and how becoming a Horace Mann charter school will lead to greater academic success for students.

II. How will the school demonstrate academic success?

A. Educational Philosophy

- The educational philosophy describes the founding group's core beliefs and values about education.
- The educational philosophy aligns with the school's mission and is integrated into the implementation of the comprehensive educational program.
- This section of the application demonstrates that the educational philosophy will serve the diverse needs of individual students.
- The application provides research (includes explicit citations) on the educational philosophy that demonstrates this approach may improve the academic performance of the anticipated student population and its diverse needs, including specific subgroups of students consistent with requirements of M.G.L. c. 71, § 89 for a recruitment and retention plan. **(FA)** The final application includes the specific subgroups of students listed in the proposed draft recruitment and retention plan.
- **(HIII)** The application indicates whether the proposed educational philosophy is different from the existing school's educational philosophy.
- **(HIII)** The application explains the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

B. Curriculum and Instruction

General

- The curriculum and instruction are consistent with the mission and educational philosophy of the school.
- The application provides research on the curriculum and instruction that demonstrates it may result in high academic achievement and includes citations.
- **(HIII)** The application indicates whether the proposed curriculum and instruction is different from the existing school's curriculum and instruction.
- **(HIII)** The application explains the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

Curriculum

- The application explains the process utilized to identify the curriculum that will be used by the school and provide reasons why the curriculum was chosen for the school.
- The application provides an outline of the curriculum that will be used by the school, *including* the content and skills to be taught in the core content areas at each grade level¹¹. Four grade levels should be included in the text of the application. For proposed schools that plan to have fewer than four grade levels, please include all the intended grades in this section. Additional grade levels must be included in the attachments but will not be counted toward the page limit.
- The application includes non-academic goals for students that are consistent with the stated mission, academic program, and educational philosophy of the school.
- The application describes a clear plan and curricular components that will facilitate ongoing development, improvement, and refinement of the curriculum.
- The application describes the process and procedures used to evaluate whether the curriculum is effective and successfully implemented.
- The application describes the process that will be used to align the curriculum to the Massachusetts Curriculum Frameworks (MCF).

¹¹ Content is what students should know; skills are what students should be able to do; and the core content areas include English, reading/language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

- The application identifies which individual(s) on the school's organizational chart will be responsible for the above processes and procedures.

Instruction

- The application describes the pedagogy or instructional methods that will be used to deliver the curriculum model(s).
- The application describes how these instructional methods support high standards of achievement and are accessible and appropriate for all students at all levels, including students with diverse learning styles, English language learners, special education students, students who enter below grade level, and other at-risk students who might be targeted in order to eliminate the achievement gap.
- The application explains how the school will ensure that teachers are proficient in delivering the chosen instructional methods.
- The application briefly explains the process for teacher evaluations.
- The application describes how the school will determine the professional development needs of the staff.

C. Performance, Promotion, and Graduation Standards (FA -Final Application Only)

- The application provides an example of performance standards for at least one grade grouping in three areas: mathematics, English language arts, and one other subject area of your choice. It indicates to teachers, parents, and students the attributes that merit a particular letter grade or rubric score. Performance standards for student assessment are clear and easy to understand, not only for teachers and administrators, but also for parents and students.
- The performance, promotion, and graduation standards are based on high expectations, and are aligned with the school's mission, educational program, assessment system, and the Massachusetts Curriculum Frameworks (MCF).
- The application clearly describes the proposed school's policies and standards for promoting students to the next grade, achievement level, or grouping level.
- The application provides examples of graduation or "exit standards" for the school's grade groupings in three areas: mathematics, English language arts, and one other subject of the applicant's choice. This provides reviewers with a clear sense of what students will know and be able to do at the end of the last grade of each school level.
- **(HMI)** The application indicates whether the proposed performance, promotion, and graduation standards are different from the existing school's performance, promotion, and graduation standards.
- **(HMI)** The application explains the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

D. Assessment System

- The application indicates which individual(s) in the school have primary responsibility for overseeing the assessment system.
- The assessment system describes how achievement data will be collected and how it will be used.
- The application indicates whether, in addition to administering the MCAS tests, the school will use additional standardized assessment tools to determine and report student progress, and explain why that decision was made for the targeted population and how the data will be used.
- The assessment system includes descriptions and/or examples of assessments that are consistent with the school's mission, program, and high expectations of students, and that are based upon solid research.
- The assessment system includes internal/school-developed instruments in order to measure and report student progress and why these particular assessments were selected for the targeted student population and how the data will be used.
- The assessment system includes a meaningful and practical approach for measuring student progress toward attaining non-academic goals.
- The assessment system features multiple measures of student outcomes that can be reported in terms of absolute scores, within-year student's gains/losses, and year-to-year student gains/losses.

- The assessment system provides a thorough, clear, measurable, externally credible, and conceptually sound design for measuring and reporting the performance and progress of the charter school and the academic and social development of each student to all relevant stakeholders.
- The assessment system is linked to curriculum and instruction and will facilitate decision-making about adjustments to the educational program and inform a staff development plan that will support the goal of improved student learning.
- **(HIII)** The application indicates whether the proposed assessment system is different from the existing school's assessment system.
- **(HIII)** The application explains the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

E. School Characteristics

- The school characteristics include the number of days school will be in session, daily hours of operation, and the way school will be organized for instruction, independent study, and extra or co-curricular activity, if any.
- The school characteristics fulfill state requirements on minimum number of school days and instructional hours.
- The application describes the grade levels at which students will be admitted to the school and the required age for Kindergarten, if applicable.
- The application describes any external programs that will be brought into the school and why.
- The application describes how the school's educational program will be implemented for students and faculty (multi-grade, tracking, team-teaching, etc.).
- The application describes the methods and strategies the proposed school will take for supporting students with a wide range of needs.
- The application illustrates the typical student's day from the perspective of the student.
- The application illustrates the typical teacher's day from the perspective of the teacher.
- The application describes the culture of the school.
- The application provides a clear plan for establishing a school culture and norms consistent with the school's mission and educational philosophy that is implemented from the first day of the school's operation.
- The application describes how the school plans to involve parents/guardians as partners in the education of their children and build and maintain family-school partnerships that focus on strengthening support for the school's goals.
- **(HIII)** The application indicates whether the proposed school characteristics and culture are different from the existing school's school characteristics and culture.
- **(HIII)** The application describes any proposed changes in expectations for staff.
- **(HIII)** The application explains the process the founding group and potential board of trustees will use to make these changes and support successful implementation.
- **(FA)** The final application describes a student behavior philosophy and plan that is appropriate for all students and is consistent with the school's mission and educational philosophy, is communicated to teachers, students, and parents, and is implemented from the first day of school.
- **(FA)** The final application includes a clear plan for gauging parental satisfaction and publicizing results.
- **(FA)** The final application describes a clear plan for establishing meaningful relationships or describes existing relationships with community agencies and organizations in order to support the school's educational program and serve the youth who attend the school.

F. Special Student Populations and Student Services

- The application describes the plan for a responsive, general education classroom and how the school will provide students with disabilities and/or limited English proficiency access to the general education curriculum.
- The application describes the processes and procedures that the proposed school will employ to identify, assess, and serve students who are English language learners. This includes a description of support services to be offered, the settings in which these required services will be implemented, the qualifications of individuals who will implement these services and how the program will be evaluated. The application indicates what role, if any, the district will have in assessment and delivery of services. **(FA)** The final application also includes a description of how services for English language learners will be delivered within the school's daily schedule, the titles, salaries, and qualifications of the individuals delivering the services, and some of the methods they will use.
- The application describes the processes and procedures that the proposed school will employ to identify, assess, and provide specialized instruction to each student in need of special education services. This includes a description of support services to be offered and how student identification and assessment will be conducted and how individualized educational programs will be developed. This also includes the settings in which these required services will be delivered, the qualifications of individuals who will be recruited to deliver services, and how the program will be evaluated. The application indicates what role, if any, the district will have in assessment and delivery of services. **(FA)** The final application also includes a description of how services for students in need of special education services will be delivered within the school's daily schedule, the titles, salaries, and qualifications of the individuals delivering the services, and some of the methods they will use.
- The application describes the plan for a school nutrition program, including what meals and/or snacks will be served and when. The application indicates what role, if any, the district will have in delivery of the school's nutritional program. **(FA)** the application includes a way in which the school plans to administer the free and reduced lunch program.
- The application describes any ancillary and support services the school expects to offer students and families. The application describes the school's ability, if any, to access programs offered by the district, including arts or sports programs. **(FA)** The final application also includes the plan to hire a school nurse and his/her role in the school.
- The application shows evidence that the founding group has knowledge regarding program requirements and effective means of implementation, and understands the obligations of charter schools, as public schools, under state and federal law regarding special education, English language learners, and school nutritional programs.
- **(FA)** The final application indicates the special education staffing levels the school intends to provide *by year* for each of your school's first five years. This includes the Special Education Administrator, as well as the proposed number of staff to hire each year and their qualifications, salary, and the percentage of their time that will be devoted to special education.
- **(HIII)** The application indicates whether the proposed school's plan to work with special student populations and student services is different from the existing school's plan how it differs.
- **(HIII)** The application provides an analysis of what has worked at the existing school for special student populations, what has not worked, and why.
- **(HIII)** The application report on which, if any, subgroups need particular attention to reach achievement goals.
- **(HIII)** The application explains the process to be used by the founding group and proposed board of trustees to make these changes and support successful implementation.

III. How will the school demonstrate organizational viability?**A. Enrollment and Recruitment (FA - Final Application Only)**

- The final application indicates the number of students enrolled by grade each year over the five year term of the charter as well as maximum enrollment.
- The final application provides a specific rationale for a viable and sustainable size and growth strategy.
- The final application offers a clear link between the parental support outlined in the Description of Community(ies) to be Served section of the application.
- The final application includes a draft copy of the proposed recruitment and retention plan.
- The final application describes a strategy for broad outreach and recruitment including to families that may be less informed about options.
- The final application offers a student admissions plan that ensures adequate enrollment and full accessibility of the school for all eligible students.
- The final application describes the capacity of the district to adapt to a district wide school, as apposed to “neighborhood schools”.
- The proposed enrollment process includes a plan for public lottery, is open, fair, and in accordance with the charter school statute and regulations.
- For potential schools applying to open fall 2012, the final application includes a complete draft enrollment policy in the attachments and describes how the school will be ready for the required submission of enrollment data to the Department by mid-March 2012.

B. Capacity

- The application describes how the founding group came together to form this proposed school and why the group is united to establish the proposed charter school.
- The application explains how often the group meets, how the planning and writing process is completed, and identify the primary author of the application.
- The application summarizes briefly within the text of the document each founder’s and/or proposed board member’s experience and qualifications. The experience and qualifications should demonstrate that the founders and/or proposed board members:
 - have the experience and qualifications necessary to implement the proposal;
 - demonstrate the capacity to found and sustain an excellent charter school;
 - can manage public funds effectively and responsibly;
 - include members who possess skills and experience in areas such as education, management, finance, development and law; and
 - have tangible ties to, and broad and diverse representation from the communities the school will serve.
- The application includes an attachment with a statement of commitment and resume for each founding group member and specifies whether the individual is a proposed board member, proposed school leader, or proposed for any other positions.
- If the founding group includes the proposed school leader (or any other person targeted for a position at the school), indicate the process used to determine that the individual is the best candidate for the position.

C. School Governance

- School governance is represented as required through the organizational chart.
- The governance model presents a clear workable structure and encourages an appropriate relationship between the board of trustees, school leader, and administration regarding the governance and management of the school.
- The governance model encourages an appropriate reporting structure and relationship between the school’s leader and administration regarding teachers, specialists and other staff members.
- The application describes the recruitment, selection, and development plans for board members.

- **(HMI)** The application describes the capacity of the potential board of trustees to evaluate the school leader(s), develop the annual budget, monitor the school's finances, conduct long-term financial and strategic planning, and manage the relationship with the local school district.
- **(HMI)** The application describes how the founding group and potential board of trustees will ensure the successful transition to the new governance structure required for a Horace Mann charter school.
- **(FA)** For schools opening in fall 2012, the proposed school will provide a draft copy of its complete bylaws.
- **(FA)** If not opening in fall of 2012, the proposed school will provide a sample section of its bylaws.
- **(FA)** The governance model presents clear roles and responsibilities of the board of trustees, consistent with public accountability and charter school law.
- **(FA)** The final application explains how the board of trustees is reflective of, or consistent with, the school's mission and program.
- **(FA)** The final application identifies clear criteria for the selection and evaluation of a school leader.
- **(FA)** The final application clearly delineates the respective roles and responsibilities of the board and the school administration.
- **(FA)** The final application provides a brief job description for the board of trustee's chairperson, including a plan for succession when term ends.
- **(FA)** The final application describes one policy that the founding group has established and the process for developing that policy.
- **(FA)** The final application establishes a viable process for policy making and ongoing board development and self evaluation.
- **(FA)** The final application includes the required MOU(s) as an attachment and in the governance section, summarizes the key agreements in the (Type A) MOU.

If filing application with a college, university, museum, educational institution, not-for-profit entity or any other partner:

- The application provides all the required information; name of partner organization, contact person, description of the nature and purpose of the school's partnership, etc.
- The application explains how the relationship enhances, complements, and/or supports the mission and educational philosophy of the proposed charter school.

If Using an Education Management Organization (EMO) or similar entity:

- The application identifies the entity.
- The application includes a brief summary of the entity's history, a description of how it implements its program, past results (including student academic achievement and financial status) of its school management efforts, and its educational philosophy. There should be evidence that the entity has demonstrated positive academic results and responsible fiscal management.
- The application defines the school's board of trustees' relationship with the entity and how the board of trustees will provide oversight to the entity.
- The application clearly explains how and why the entity was selected and **(FA)** what due diligence was conducted.
- **(FA)** The final application provides a draft contract which includes a delineation of the roles and responsibilities of the entity and the school, a description of how the charter school board of trustees will monitor the academic performance and fiscal activity of the school, performance evaluation measures (including student academic performance) the total fee paid for management services, a description of the payment structure, clarification of authority over hiring and firing, and the conditions and procedures for the contract's renewal and termination.
- **(FA)** The contract shows evidence of a clear understanding and agreement about the respective roles and responsibilities of the board of trustees and the proposed EMO.
- **(FA)** The contract shows evidence of a clearly defined performance-based relationship between the EMO and the school's board of trustees.

D. Management Structure (FA - Final Application Only)

- The management structure is clearly shown in the organizational chart.
- The final application describes the reporting structure and solid plan for making key school-level decisions on student achievement, fiscal planning, and operations.
- The management structure includes clearly delineated roles and responsibilities for the school's leader and other administrative staff.
- The management structure includes process for the development, supervision, coordination, and continued assessment of the educational content and pedagogical approach.
- The final application includes a staffing chart and narrative staffing plan.
- The final application describes the school's plan for staff recruitment, advancement, and retention.
- The final application describes how faculty and administrators will be evaluated and by whom.
- The final application describes professional development activities for faculty and administrators.
- The management system includes working conditions and compensation packages that will attract and retain highly qualified staff.
- The final application briefly describes the teaching program of typical teachers, indicating how many hours they will be in class and what other school-related responsibilities they will have outside the classroom (lunch duty, dismissal, and advisory group, after school).
- The application clarifies the procedures for:
 - a. hiring, evaluating, transferring, promoting, and dismissing teachers (including potential layoffs in the district that could affect the charter school faculty);
 - b) hiring, evaluating, transferring, promoting, and dismissing non-teaching staff; and
 - c) communicating and coordinating between the charter school and the school district superintendent on items a) and b).
- The final application describes the intended relationship between the proposed charter school and the staff at the school and summarizes the key agreements and specifies the details of any relevant waivers to the local collective bargaining agreement(s).
- **(HMII)** The application indicates whether the proposed school management structure is different from the existing school's management structure and how it differs.
- **(HMII)** The application explains the process the founding group and potential board of trustees will use to make these changes and support successful implementation.

E. Facilities and Student Transportation (FA - Final Application Only)

- The final application indicate the facilities that will be provided by the local school district and at what cost to the charter school;
- The final application describes sound financing plans, if applicable, for any necessary renovations to the proposed facility, in order to meet the school's needs, to meet all local building requirements for use of the facility as a charter school, and to meet accessibility requirements.
- The final application proposes a transportation plan that will serve all eligible students and is consistent with charter school statute and regulations.

F. School Finances**(1) Fiscal Management (FA - Final Application Only)**

- The final application describes the structure and process for managing the school's finances.
- The final application describes the fiscal controls and financial management policies the board of trustees will employ to remain informed of the school's financial position.
- The final application describes how the school will track finances in its daily business operations.
- The final application explains the financial arrangements with the local district that ensures the charter school's autonomy over its operations and ensures the school receives district funds as scheduled.
- The final application describes the capacity of the district to keep a separate accounting for the Horace Mann charter school.

(2) Operating Budget and Budget Narrative (FA - Final Application Only)

- The budget reflects all the commitments proposed in the application through its third year of operations, including the school's mission, educational program, expected student population of special education and English language learners, and human resources.
- The budget narrative provides details to explain the projected amounts in the budget, including descriptions of administrative and instructional staff and other operating expenses.
- The budget narrative describes whether the founding group expects the school to raise additional funds and why and briefly describes any planned fundraising efforts and who will lead and coordinate these efforts.
- There is evidence that the budget demonstrates knowledge of the practical matters relevant to the operation of a school, is based on sound reasoning, and shows that resources will be consistently deployed to meet the school's goals.
- There is a realistic assessment of projected sources of revenue that are adequate to ensure the fiscal viability of the school.
- **(HIII)** The final application describes the capacity the school needs to build to successfully manage school finances and this will be accomplished.

G. Action Plan (FA - Final Application Only)

- The action plan includes: a timeline, action(s) to be taken, designated point person, and start date and projected completion date.
- The action plan outlines the steps that need to be taken for a successful school launch.
- The action plan is specific and consistent with the proposal's objectives.

IV. How will the school demonstrate it is faithful to the terms of the charter?**Accountability and Proposed Dissemination Plans (FA - Final Application Only)****A. Process**

- The final application describes the process the proposed school will undertake in the first year to create an effective accountability plan and identifies who will have primary responsibility for defining and overseeing the process.

B. Objectives

- This section requires three examples of accountability plan objectives for each area of charter school accountability.
- This section includes school performance objectives that are consistent with the school's mission and program.
- The school performance objectives are clear, measurable, and data-driven.

C. Narrative

- The final application gives a snapshot of what successes the school may have in five years.

D. Dissemination

The final application discusses ways in which the charter school will be able to provide educational models, including programs, curriculum, and teaching methods that can be replicated by other public schools.

APPENDIX D: GUIDANCE FOR MEMORANDA OF UNDERSTANDING

All applications for Horace Mann charter schools must include two Memoranda of Understanding (MOU):

Type A: Agreements with District

The first type of MOU is with the school committee of the district in which the charter school is located and the proposed charter school's board of trustees. A signed copy of this type of MOU is required in the final application for all types of Horace Mann charter schools.

Type B: Agreements with Staff

The second type of MOU is with the school committee, the collective bargaining unit, and the proposed charter school board of trustees. The timeline and potential faculty vote vary by type of Horace Mann charter school.

The memoranda of understanding ensure that the proposed charter school, the school committee of the district in which the charter school is located, and the collective bargaining unit understand and agree to the relevant portions of the charter application. Collective bargaining employees continue to be members of the local collective bargaining unit; accrue seniority; and receive, at a minimum, the salary and benefits established by the local collective bargaining agreement. Employees may be exempt from specific provisions of the local collective bargaining agreement (including work rules) to the extent provided by the charter and the executed memorandum of understanding.

Type A: Agreements with District

The Type A MOU with the proposed charter school board of trustees and the school committee at a minimum must:

- ☐ indicate the dates when school district funds will be transferred into the school's bank account;
- ☐ describe the basis for calculating the district's payment to the school;
- ☐ indicate the specific instructional and non-instructional services that will be provided by the local school district and at what cost to the charter school;
- ☐ indicate the facilities that will be provided by the local school district and at what cost to the charter school;
- ☐ indicate whether the school or the district is responsible for securing federal and state entitlement grants for the charter school;
- ☐ be approved by the school's board of trustees and the school committee;
- ☐ be signed by the chairperson of the school's board of trustees and the school committee; and
- ☐ be submitted with the final application.

We strongly recommend that the Type A MOU address the following:

Budget/Funding/Budget Development & Management

- The required deadline for submission of a budget request by the Horace Mann charter school, (CMR 603 1.08(1) requires no later than April 1).
- The criteria to be used for determining the Horace Mann charter school's annual budget allocation from the district. Specify the process for negotiating budget disagreements, and any formulas, financial reporting, enrollment and/or other data required to determine the amount.
- The process for timely completion of the required independent audit for the Horace Mann.
- The timeline for disbursement of funds to the Horace Mann charter school. Designation of whether the disbursement will be an annual lump sum deposited into an account controlled by the Horace Mann charter school or quarterly payments.

- Designation of which party that will apply for grants, particularly federal entitlements, and how related services will be provided and accounted for. If the district applies for these funds, how they will be disbursed to the charter school.
- The fees or costs, if any, that may be levied against the Horace Mann charter school's annual budget allocation for *Other Services* (see below) rendered on its behalf by the district.

Financial Management

- Which party is responsible for the following:
 - Procurement;
 - Administration of payroll and fringe benefits for both staff members who are part of collective bargaining units and those who are not; and
 - Responsibility for general financial management: accounts receivable, payable, etc.

Enrollment & Data Submissions

- The basis on which students are enrolled in the school, in alignment with the charter school statute and regulations, the school's approved enrollment policy, and the maximum enrollment for which the school was chartered.
- Specify which entity is responsible for submission of SIMS data and other required data submissions to the Department, such as EPIMS.

Other Services

- Provide specific information on the following areas and how the Horace Mann charter school's budget will impacted or charged:
 - ***Nutrition:*** Specify which party will apply for reimbursements, if applicable, for example, through the national school nutrition programs.
 - ***Special education; English language learners:*** Specify if district staff and services will be shared and the basis on which the Horace Mann charter school expects to provide these services, for instance, if the district is not providing services, specify if the charter school will contract out for these services.
 - ***Technology:*** Specify what, if any, district technology will be available to the charter school, including technical support.
 - ***Athletics:*** Specify if the Horace Mann charter school students will be allowed to participate in district-sponsored athletic programs.
 - ***Facilities:*** Specify what facility the district provides or how will it assist the Horace Mann charter school in securing an adequate educational facility for the school. Specify which party will be responsible for maintenance, capital improvements, etc., and which any related costs including rent and capital or maintenance costs.
 - ***Transportation:*** Specify the basis on which the district will provide transportation to the Horace Mann charter school.

Employee Status

- Define the process that will be used to hire, evaluate, and if necessary, terminate, the Horace Mann charter school's leader and how the Horace Mann charter school board of trustees and the superintendent of the district will interact in relation to evaluating the performance of the Horace Mann charter school leader.

Miscellaneous

- The effective date and duration of the MOU.
- Procedures to be utilized if disagreements arise.
- The process for amending the MOU.
- Severability clauses, if any.
- The structure for official communication between the Horace Mann charter school and the district.
- The coordination with and/or participation by the Horace Mann charter school in district leadership structures, curricular initiatives, review processes, professional development, or other programs, in accordance with the description of these areas in the charter application.

Type B: Agreements with Staff

The Type B MOU with the charter school board of trustees, the school committee, and the local collective bargaining unit, **at a minimum must:**

- ☐ indicate, based on information included in the application, the details of any relevant waivers to the local collective bargaining agreement.

Additionally, the following requirements apply for the different types of Horace Mann charter schools:

- ☐ Horace Mann I applicants must include a signed Type B MOU with the final application.
- ☐ Horace Mann II applicants must include a draft of the Type B MOU with the final application and it must be approved by a majority of faculty at the school within 30 days of the submission of the final application. Because it is not clear who must sign an MOU for a Horace Mann II school that modifies provisions of a collective bargaining agreement, we encourage Horace Mann II applicants and school districts to consult their own legal counsel regarding any collective bargaining issues.
- ☐ Horace Mann III applicants must include a draft of the Type B MOU with the final application and the charter school's board of trustees must negotiate with the collective bargaining unit and the school committee in good faith following the award of a charter. If an agreement is not reached at least 30 days before the scheduled opening, the charter school operates under the terms of its charter. We encourage Horace Mann III charter school applicants and school districts to consult their own legal counsel regarding any collective bargaining issues.

We strongly recommend that the MOU address the following:

Miscellaneous

- The effective date and duration of the MOU.
- The procedures to be utilized if disagreements arise.
- The process for amending the MOU.
- Severability clauses to be included, if any.
- Signatories required to execute the MOU.

Employee Status

- The elements of collective bargaining agreements that are waived in accordance with information in the charter application.
- The adjustments that will be made to work rules for members of collective bargaining units (processes and procedures for teacher placement, the teacher work schedule: including length of work day and year, expectations for professional development, etc.).

- The process for transferring existing teachers who do not volunteer to work at the Horace Mann charter school. (The charter school statute stipulates that “Upon approval of a Horace Mann charter school by the board of education, the superintendent of the school district where the Horace Mann charter school is to be located shall reassign, to the extent provided by the terms of its charter, any faculty member who wishes to be reassigned to another school located within said district” (MGL c. 71, § 89(x)).
- The process for evaluating members of the collective bargaining unit, in accordance with the description provided in the charter application.
- Non-teaching staff are required to be members of the local collective bargaining unit if the positions they hold are covered in a collective bargaining agreement with the district. For example, custodial staff members in a school district are usually covered by a collective bargaining agreement with the school committee that remains in effect and covers staff at the charter school. If the MOU affects the terms of any collective bargaining agreement for non-teaching staff, that collective bargaining unit may need to sign the MOU.

APPENDIX E: OPERATING BUDGET – PROJECTED REVENUES AND EXPENDITURES

Charter School:					
		Pre-Operational Period	Year 1	Year 2	Year 3
		FY20XX	FY20XX	FY20XX	FY20XX
MAJOR ASSUMPTIONS					
A	Per Pupil Tuition				
B	Student Enrollment				
C	Facility Size (square footage)				
D	Cost per square foot				
E	Staff FTE: (1.0 FTE = XX hours)				
	E1. Administrative (Professional)				
	E2. Administrative (Support/Clerical)				
	E3. Instructional: Teachers				
	E4. Instructional: Other (Professional)				
	E5. Instructional: Paraprofessionals				
	E6. Instructional: Salaries - Support/Clerical				
	E7. Other Student Services				
	E8. Operation and Maintenance of Plant				
F	Staff FTE: Subtotal:	0	0	0	0

OPERATING REVENUES

1	Tuition				
2	Grants - State				
3	Grants - Federal				
4	Grants - Private				
5	Nutrition Funding - State & Federal				
6	Program Fees				
7	Contributions, in-kind				
8	Contributions, in-cash				
9	Investment Income				
10	Transportation Reimbursements				
11	Other:				
12	Other:				
13	TOTAL OPERATING REVENUES	0	0	0	0

OPERATING EXPENDITURES**Administration**

14	Salaries - Administrative (Professional)				
15	Salaries - Administrative (Support/Clerical)				
16	Accounting-Audit				
17	Legal				
18	Payroll				
19	Other Professional Services				
20	Information Management and Technology				
21	Office Supplies and Materials				
22	Professional Development, Administrative/Board				
23	Dues, Licenses, and Subscriptions				
24	Fundraising				
25	Recruitment/Advertising				
26	Travel expenses for staff/Board				
27	Bank Charges - Current (Short Term)				
28	Purchased Management Services				
29	Other:				
30	Other:				
31	Subtotal:	0	0	0	0

		General Education	Special Education	General Education	Special Education	General Education	Special Education
Instructional Services							
32	Salaries - Teachers						
33	Salaries - Other (Professional)						
34	Salaries - Paraprofessionals						
35	Salaries - Support/Clerical						
36	Contracted Services, Instructional						
37	Instructional Technology in Classrooms						
38	Instructional Supplies & Materials						
39	Testing & Assessment						
40	Professional Development, Instructional						
41	Dues, Licenses, and Subscriptions						
42	Staff Stipends in addition to base salary						
43	Purchased Management Services						
44	Other: <input type="text"/>						
45	Other: <input type="text"/>						
46	Subtotal:	0	0	0	0	0	0
Other Student Services							
47	Salaries - Other Student Services						
48	Health Services						
49	Student Transportation (to and from school)						
50	Food Services						
51	Athletic Services						
52	Purchased Management Services						
53	Other: <input type="text"/>						
54	Other: <input type="text"/>						
55	Subtotal:	0	0	0	0	0	0

Operation and Maintenance of Plant				
56	Salaries - Operation and Maintenance of Plant			
57	Utilities			
58	Maintenance of Buildings & Grounds			
59	Maintenance of Equipment			
60	Rental/Lease of Buildings & Grounds			
61	Rental/Lease of Equipment			
62	Capital Debt Service			
63	Renovation/Construction			
64	Acquisition of Capital Equipment			
68	Purchased Management Services			
66	Other:			
67	Other:			
68	Subtotal:	0	0	0
Fixed Charges				
69	Payroll taxes			
70	Fringe Benefits			
71	Insurance (non-employee)			
72	Purchased Management Services			
73	Other:			
74	Other:			
75	Subtotal:	0	0	0
Community Services (Including Dissemination)				
76	Dissemination Activities			
77	Civic Activities			
78	Subtotal:	0	0	0
79	Contingency Fund			
80	TOTAL OPERATING EXPENDITURES	0	0	0
81	SURPLUS/(DEFICIT)	0	0	0

APPENDIX F: GUIDANCE ON CHARTER SCHOOL BYLAWS

Please use the following checklist to guide the creation of your charter school bylaws. Use the left column to record the section or page number of each of the required elements within your draft bylaws document.

	1. State the name and purpose of the school and that the school is a public school.	M.G.L. Chapter 71, Section 89(c)
	2. State that the name of the school must include the words 'charter school' as part of its name.	M.G.L. Chapter 71, Section 89(k)(1)
	3. Cite M.G.L. Chapter 71, Section 89.	
	4. State that the board of trustees holds the charter granted by the Commonwealth of Massachusetts.	M.G.L. Chapter 71, Section 89(c)
	5. State that the board of trustees of a charter school is a public entity, which operates independently of a school committee.	M.G.L. Chapter 71, Section 89(c)
	6. Remember that the bylaws should not refer to the school as a non-profit corporation, a charitable organization, a 501(c) (3), or use descriptions indicating that the school is anything other than a public entity.	
	7. State that the individual board members are considered special state employees.	M.G.L. Chapter 71, Section 89(c)
	8. State that the board is a public employer for the purposes of tort liability (M.G.L. Chapter 258) and for collective bargaining purposes (M.G.L. Chapter 150E).	M.G.L. Chapter 71, Section 89(y)
	9. In Horace Mann charter schools, state that the school committee is the public employer for collective bargaining purposes under M.G.L. Chapter 150E.	M.G.L. Chapter 71, Section 89(y)
	10. State that the board of trustees may not discriminate against potential members on the basis of race, color, national origin, creed, ancestry, ethnicity, age, gender identity, religion, martial status, sexual orientation, or non-disqualifying handicap or mental condition.	M.G.L. Chapter 71, Section 89(f)

	11. Specify that public notice be given of the date, time and location of all meetings in accordance with the law pertaining to the open meetings of governmental bodies.	M.G.L. Chapter 30A, Sections 18-25
	12. Specify that detailed, accurate records of every meeting be adopted and kept in accordance with the law pertaining to the open meetings of governmental bodies.	M.G.L. Chapter 30A, Sections 18-25
	13. Stipulate the situations under which an executive session may take place.	M.G.L. Chapter 30A, Section 21(a)
	14. State that trustee participation occurs in person for the purpose of a quorum or vote.	
	15. Specify the minimum and maximum number of trustees required on the board.	
	16. Specify that action by the board requires a majority vote of a quorum of seated trustees and, to the degree required, specify the situations for which approval may require a special majority.	
	17. Define the number of years that shall constitute a board member's term.	
	18. Set a specific, reasonable, limit on successive or total terms that a member may serve.	
	19. State that a formal vote of the board of trustees is required to accept all new members.	
	20. Expressly require a voting employee representative in the board's composition if the school intends to have any paid employee member(s) serve on the board.	
	21. Specify the number and titles of officers (e.g., chair, vice-chair, secretary, and treasurer).	
	22. Describe the responsibilities of each officer.	

	23. Describe a process for electing officers.	
	24. State that the board complies with the state conflict of interest law, M.G.L. Chapter 268A.	M.G.L. Chapter 71, Section 89(u)
	25. State that board members must disclose any financial interest or business transactions that they (or any immediate family member) have in any charter school in Massachusetts or elsewhere with the state ethics commission, the Department and the city or town clerk within 30 days of joining the board and by September 1 annually, including the year after service is completed (unless service is less than 30 days in that year).	M.G.L. Chapter 71, Section 89(u)
	26. State that the board of trustees shall request the appointment of a trustee to the board only where the board has no reason to know that the trustee has a financial interest under M.G.L. c. 268A which may preclude a majority of the board from participating in deliberations or voting on certain matters that are expected to come before the board. The board must exercise due diligence prior to determining that a proposed trustee does not have such a financial interest.	
	27. Specify that the school's fiscal year begins on July 1 (and ends on June 30 of the following calendar year).	
	28. Specify a process for making amendments to the bylaws, subject to the approval of the board of trustees and the Department of Elementary and Secondary Education (additionally, school committee and teacher's union if a Horace Mann charter school).	603 CMR 1.11(2)
	29. Describe the procedure for responding to any complaints filed with the board of trustees.	M.G.L. Chapter 71, Section 89(II) 603 CMR 1.10 M.G.L. Chapter 30A, Section 23

	30. Prohibit the board of trustees from exercising managerial powers over the day-to-day operations of the school.	
	31. State the ability of the board of trustees to select, appoint, evaluate, and/or remove only the school director(s).	
	32. Specify the process through which a trustee may resign and/or be removed from the board.	
	33. Require that the board of trustees meet at least quarterly.	
	34. Require an annual meeting of the board of trustees.	
	35. Describe the process for the formation of committees and/or task forces.	

APPENDIX G: RECRUITMENT AND RETENTION PLAN

As defined in MGL c. 71 § 89 and 603 CMR 1.00, Massachusetts charter schools must receive approval from the Department of Elementary and Secondary Education for a Recruitment and Retention Plan which is updated annually. “The student recruitment and retention plan shall be updated annually and shall include annual goals for: (i) recruitment activities; (ii) student retention activities; and (iii) student retention” (Chapter 71, § 89(f)).

The plan must list deliberate, specific strategies the school will use to attract, enroll, and retain a student population that, when compared to students in similar grades in schools from which the charter school enrolls students, contains a comparable demographic profile, including limited English proficient, special education, free lunch, and reduced-price lunch students, as well as those who are sub-proficient on the MCAS, at risk of dropping out of school, have dropped out of school, or other at-risk students who should be targeted to eliminate achievement gaps. The Board of Elementary and Secondary Education will consider the extent to which the school has followed and updated its recruitment and retention plan as one of the factors in making a renewal decision (Chapter 71, § 89(i)).

In developing the activities to be included in your recruitment and retention plan, please review the regulations governing charter school enrollment and student recruitment, found at [603 CMR 1.06](#).

Name of School _____ Date _____

I. Recruitment Plan

A. Describe the school's general recruitment activities, i.e. those intended to reach all students.

General Recruitment Activities List recruitment activities undertaken each year which apply to all students.

Add additional rows as necessary.

B. List the goals and strategies the school will implement during the upcoming school year to attract and enroll specific groups of students in order to promote a student population that reflects the demographics of the school's sending district(s). Create goals and strategies for each of the following categories:

- A. Special education students
- B. Limited English-proficient students
- C. Students eligible for free lunch
- D. Students eligible for reduced price lunch
- E. Students who are sub-proficient (as determined by a previous score of "Needs Improvement" or "Warning/Failing" on the mathematics or English language arts examinations of the MCAS for the previous two years)
- F. Students at risk of dropping out of school
- G. Students who have dropped out of school
- H. Other subgroups of students who should be targeted to eliminate the achievement gap

Recruitment Plan – Goals and Strategies List goals and strategies for recruitment activities for <u>each</u> demographic group.	
Demographic Group: A. Special education students	
Demographic Group: B. Limited English-proficient students	

Demographic Group: C. Students eligible for free lunch	
Demographic Group: D. Students eligible for reduced price lunch	
Demographic Group: E. Students who are sub-proficient	
Demographic Group: F. Students at risk of dropping out of school	
Demographic Group: G. Students who have dropped out of school	

Demographic Group(s): H. Other subgroups of students who should be targeted to eliminate the achievement gap	
--	--

II. Retention Plan

Identify the retention goals and strategies the school will implement during the upcoming school year to maximize the number of students who successfully complete all school requirements and to prevent students from dropping out. The retention plan *may* include activities that address the needs of all students in the school, but *must* be designed to impact the target groups identified above.

Overall Student Retention Goal	
Annual goal for student retention (percentage):	
Retention Plan Goals and Strategies -- List goals and strategies for retention activities	

Add additional rows as necessary.

Updated 4/25/11

APPENDIX H: GUIDANCE ON ENROLLMENT POLICIES AND ADMISSION APPLICATIONS

Please use the following checklist to guide the creation of your charter school enrollment policy. Use the right column to record the location or page number of each of the required elements within your draft enrollment policy.

1. General Policy Statement(s) (or Introduction):	PAGE/ LOCATION:
a. States the grades at which the school enrolls (or does not enroll) new students (M.G.L. Chapter 71, Section 89(m); 603 CMR 1.06(1); 603 CMR 1.06(8)).	
b. States a non-discrimination policy that includes “[name of school] does not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or prior academic achievement” (M.G.L. Chapter 71, Section 89(m); 603 CMR 1.06(1)).	
c. States that the school will have and implement a student recruitment and retention plan as outlined in M.G.L Chapter 71, Section 89(f); CMR 603 1.05(f).	
2. Description of the Eligibility Criteria for Enrollment:	
a. States that the applicant must be a resident of Massachusetts at the time of application.	
b. Defines requirements for proof of residency (except in the case of homeless students).	
c. States that the school does not require potential students or their families to attend interviews or informational meetings as a condition of enrollment (603 CMR 1.06(2)).	
d. States that the school does not administer tests to potential applicants or predicate enrollment on results from any test of ability or achievement (603 CMR 1.06(2)).	
e. Specifies age thresholds and ceilings for kindergarten and/or high school programs (603 CMR 1.06(8)).	
3. Description of the Enrollment Process:	
a. Describes the school’s enrollment processes, including the initial application process, as well as any subsequent application and lottery processes (603 CMR 1.06(4)).	
b. States that public notice of all application deadlines is given at least one month in advance (603 CMR 1.06(3)).	
c. States the final date for all students offered enrollment to accept enrollment.	

	PAGE/ LOCATION:
d. States that all information requested in the application, such as language spoken at home or race/ethnicity, is not intended and will not be used to discriminate (M.G.L. Chapter 71, Section 89(m); 603 CMR 1.06(2)).	
e. States the charter school's policy regarding disclosure of student information (M.G.L. Chapter 71, Section 89(g)(n)).	
f. Provides form for students and parents to consent or deny disclosure of student information (M.G.L. Chapter 71, Section 89(g)).	
g. States that, upon request, the school will provide the names and addresses of students to a third party mail house for mailings unless the parent requests that the school withhold their child's information. (M.G.L. Chapter 71, Section 89(g)).	
4. Description of the Lottery Procedures:	
a. States that the school will determine the number of spaces available each year by grade level.	
b. States that at least one week notice is given prior to each enrollment lottery (603 CMR 1.06(6)).	
c. States that each lottery is conducted in public and indicates the location of the lottery (603 CMR 1.06(6)).	
d. States that a disinterested party draws the lottery (603 CMR 1.06(6)).	
e. States that siblings (resident or non-resident) of students who are already in attendance at the school in the year of application are given preference for admission over non-siblings (603 CMR 1.06(4)(a)).	
f. States that residents of the city/town(s) served by the school are given preference for admission over non-resident students (M.G.L. Chapter 71, Section 89(m); 603 CMR 1.06(4)(a)).	
g. States that those students for whom enrollment in the charter school would cause the sending district to exceed their tuition cap will not be offered admission but will remain on the waiting list. If those students are siblings of students currently in attendance at the school, the state may pay the child's tuition, subject to appropriation (M.G.L. Chapter 71, Section 89(i); 603 CMR 1.06(4)(e)).	
h. States that all applicants not selected in an enrollment lottery are placed on a waiting list in the order the names were selected while also taking into account sibling and resident preference (603 CMR 1.06(4)(d)).	
i. States that if the principal enrollment process fails to produce an adequate number of enrolled students, the lottery process may be repeated if a waiting list does not exist and the required lottery process is strictly followed, including public notification and deadlines (603 CMR 1.06(5)).	

5. Description of the Waiting List Policy:	PAGE/ LOCATION:
a. States that if a student stops attending the charter school or declines admission, the next available student on the waitlist for that grade will be offered admission until the vacant seat is filled (M.G.L. Chapter 71, Section 89(n).	
b. States that no student will be admitted ahead of other eligible students on the waiting list unless said student is either a sibling of a previously enrolled student or a resident of the charter school's city or town (603 CMR 1.06(5)).	
c. States how students on the waiting list will be informed of an offer of admission (Charter School Administrative and Governance Guide).	
d. States the school's policy for students who have declined an offer of admission (Charter School Administrative and Governance Guide).	
e. States the school's policy on maintaining the waiting list from year-to-year (Charter School Administrative and Governance Guide).	
f. States that the school will keep accurate records of their waitlist containing, the names, home addresses, telephone numbers, and grade levels of students who entered the lottery but did not gain admission (603 CMR 1.06(4)(f)).	
g. States that when a student stops attending the school for any reason, the school will attempt to fill vacant seats up to February 15 th , (articulate which grades are included and/excluded - seats in the last half of the grades offered and in grades 10, 11, and 12 are excluded statutorily. If a school has an odd number of grades, the number of grades in the last half shall be rounded up to the nearest whole number) (603 CMR 1.06(4)(d)).	
h. Explain that a vacancy not filled after February 15 th moves into the subsequent grade, to be filled the following September if such grade is not in the last half of the grades offered and is not grades 10, 11, or 12 (603 CMR 1.06(4)(d)).	
6. Application for Admission Requirements:	
a. The application does not require dual parent/guardian signatures.	
b. The school attaches a copy of the application to its enrollment policy.	

APPENDIX I: REQUIRED ELEMENTS OF ENGLISH LANGUAGE EDUCATION POLICIES AND PROCEDURES

To ensure that your proposed school will be prepared to operate programs and services which meet the requirements of law and meet the needs of students, you are required to respond to the following to fully address the criteria within Section II: Special Student Populations and Student Services within your prospectus and final application.

1. Describe your procedures for the annual assessment of LEP students (including, but not limited to MEPA/MELA-O and MCAS).
2. Describe the school's policy concerning the manner in which LEP students are required to participate in the annual administration of MCAS.
3. Describe the qualified staff and appropriate procedures and assessments you will use to identify students who are limited English proficient and to assess their level of English proficiency in reading, writing, speaking and listening.
4. Submit the school's waiver policy consistent with the requirements of 603 CMR 14.04(3).
5. Describe the school's ELE program. In most cases, this will be the school's plan for provision of sheltered English immersion to all ELL students including:
 - a. the provision of content by appropriately qualified instructional staff available at all grade levels and in all content areas;
 - b. the manner in which the school will ensure that instructional staff are or become qualified at all grade levels and in all content areas;
 - c. the provision of English language development instruction by an appropriately licensed teacher in quantities appropriate to the student's identified English proficiency level;
 - d. the manner in which the school will group ELL students for English language development (ELD)/English as a second language (ESL) instruction (should be by proficiency level);
 - e. the qualifications of staff who will provide ELD/ESL instruction;
 - f. the manner in which the school will ensure the provision of follow-up monitoring and support to students who have been exited from the ELE program;
 - g. the manner in which the school will ensure that ELL students receive content instruction that is based on the Massachusetts Curriculum Frameworks;
 - h. the manner in which the school will ensure that it provided ESL/ELD instruction that is based on the English Language Proficiency Benchmarks and Outcomes; and
 - i. the manner in which the school will use assessment data to plan and implement educational programs for students at different instructional levels.
6. Describe the procedures you will employ to determine student readiness to be exited from the ELE program (or reclassified from LEP to FLEP).
7. Describe how you will involve parents and guardians of ELL students in their children's education.
8. Describe the manner in which the school will ensure that it provides parents and guardians of ELL students, report cards, and progress reports in the same manner and with the same frequency as general education reporting. Include a description of the manner in which the school will ensure that the reports are, to the maximum extent possible, written in a language understandable to the parent/guardian.

9. Describe the school's policy concerning the appropriate provision of English language support to students whose parents have declined entry into the school's ELE program.
10. Describe how the school will comply with notice requirements described under 603 CMR 14.02, including the role of staff that will be responsible for implementing this activity.
11. Describe how you will conduct oversight of your program in manner that ensures all ELL students receive equal access to education programs as described in 603 CMR 26.07(8) and 26.06(2).
12. Describe how the school will ensure that ELL students are provided with facilities, materials and services that are comparable in all respects to those provided to the overall student population.
13. Describe the manner in which the school will ensure that ELL students are provided with equal access to all academic programs and services.
14. Describe the manner in which the school will ensure that ELL students are provided with equal access to all non-academic and extracurricular programs.
15. Describe the school's professional development plan, which provides teachers and administrators with high quality training, as prescribed by the Department, in (1) second language learning and teaching; (2) sheltering content instruction; (3) assessment of speaking and listening; and (4) teaching reading and writing to limited English proficient students.
16. Describe the manner in which the school will conduct periodic evaluations of the effectiveness of its ELE program in developing students' English language skills and increasing their ability to participate meaningfully in the educational program.

APPENDIX J: COMMON SCHOOL PERFORMANCE CRITERIA

What are the Massachusetts Charter School Performance Criteria?

The Common School Performance Criteria (Criteria) have been developed using the three guiding areas of charter school accountability defined in the current regulations, 603 CMR 1.00 – faithfulness to charter, academic success, and organizational viability.

The purposes of the Criteria are:

- to bring alignment to the criteria used across all aspects of charter school accountability, from the application process to the renewal process;
- to provide charter schools with clear guidance about how the Massachusetts Department of Elementary and Secondary Education (Department) defines charter school success and on what basis charter schools will be evaluated; and
- to clarify the connections between charter school accountability and state and federal accountability standards.

There is a wide range of sources of evidence that will provide the data to help charter schools, the Charter School Office, and the Commissioner and Board of Elementary and Secondary Education know if a charter school has met performance expectations. A partial list of evidence sources is attached after the Criteria.

I. FAITHFULNESS TO THE TERMS OF THE CHARTER	
Mission, Vision, and Educational Philosophy	The school is faithful to the mission, vision and educational philosophy defined in the charter application and any subsequent approved amendment(s).
Governance/ leadership	The board of trustees implements the governance and leadership structure as defined in the charter application and any subsequent approved amendment(s).
Contractual relationships (if applicable)	<p>The board of trustees and school leadership establish effective working relationships with their management company. Changes in the school's relationship with its management company comply with required charter amendment procedures.</p> <p>The board of trustees of a Horace Mann charter school establishes and operates under one or more Memoranda of Understanding (MOU) with the host district regarding services, facilities and funding, and waivers of collective bargaining agreement provisions, if applicable.</p>
Academic program	The school establishes an academic program that includes the pedagogical approach, curriculum, assessment, and other unique elements defined in the charter application and any subsequent approved amendment(s).

II. ACADEMIC PROGRAM SUCCESS	
MCAS - performance	Students at the school demonstrate proficiency, ¹² or progress toward meeting proficiency targets on state standards, as measured by the Massachusetts Comprehensive Assessment System (MCAS) exams in all subject areas and at all grade levels tested for accountability purposes. ¹³
MCAS - growth	The school achieves and maintains a median student growth percentile (SGP) of 40 or higher in the aggregate and for all statistically significant sub-groups in all subject areas tested for accountability purposes.
AYP	The school makes Adequate Yearly Progress (AYP) in the aggregate and for all statistically significant sub-groups. ¹⁴ The school does not have a status for accountability purposes of Improvement, Corrective Action, or Restructuring.
External assessments of student achievement	If externally-developed assessments other than the MCAS are administered, student performance is strong and demonstrates improvement over time on those assessments.
Internal assessments of student achievement	Student performance is strong and demonstrates improvement on internally-developed assessments of academic achievement.
Curriculum	The school's curriculum is documented, articulates the skills and concepts that all students must know and be able to do to meet state standards, is aligned horizontally and vertically, and supports opportunities for all students to master these skills and concepts.

¹² "Proficiency" includes attaining either proficient or advanced classification.

¹³ "Accountability purposes" is any test at any grade level that "counts" toward AYP determination.

¹⁴ Making AYP requires meeting state determined targets in participation, absolute performance or improvement gains, and attendance or graduation.

II. ACADEMIC PROGRAM SUCCESS	
Instruction	<p>School-wide instructional practice is aligned with the school design, instructional expectations, and curriculum.</p> <p>Instruction is effectively delivered and conveys clear expectations to students.</p> <p>The use of classroom time maximizes meaningful student learning.</p> <p>Students are actively engaged in learning.</p>
Classroom and school environment	<p>The classroom and school environment is orderly, supports the goal of student understanding and mastery of skills, and is consistent with the school's mission.</p>
Diverse learners	<p>The school provides services for all students, including English language learners and those with disabilities and/or special education needs, as required by law.</p> <p>The school implements and follows a Department approved recruitment and retention plan.</p>
Professional climate	<p>Teachers are provided with feedback and guidance that leads to improved instructional practice and student achievement.</p> <p>The school implements a professional development plan that effectively addresses the needs of teachers.</p> <p>Teachers are provided with structures for collaboration.</p> <p>The school establishes a professional climate resulting in a purposeful learning environment and reasonable rates of retention for school administrators, teachers and staff.</p>
Assessment and instructional decision-making	<p>The school uses a balanced system of formative and benchmark assessments.</p> <p>Teachers and school leaders use qualitative and quantitative evidence to inform, guide, and improve instructional planning and practice.</p>
Program evaluation	<p>The school regularly and systematically reviews the quality and effectiveness of the academic program and modifies the program accordingly.</p>

III. VIABLE ORGANIZATION	
Solvency and stability	<p>The school develops an annual budget that can be sustained by enrollment and is in support of student academic achievement.</p> <p>The school demonstrates a history of positive net assets, adequate cash flow to sustain operations and support the academic program, and consistently operates within budget.</p> <p>The school's annual independent audit is free of material or repeated findings.</p>
Fiscal oversight	<p>The board of trustees and school leadership implement effective structures and systems to enable responsible fiscal oversight of the school.</p> <p>The board of trustees demonstrates long-term fiscal oversight through appropriate planning processes.</p>
Enrollment	<p>The school implements the student recruitment, retention, and enrollment process intended in the charter, in the school's recruitment and retention plan, and as defined by statute and regulations.</p>
Board accountability	<p>The board of trustees is responsible to the school community(ies) it serves.</p>
Decision making and communication	<p>The school has clear and well-understood systems for decision-making and communication. These systems result in a common sense of purpose for all school constituencies.</p>

III. VIABLE ORGANIZATION	
Roles and responsibilities	The school defines and delineates clear roles and responsibilities among board and staff.
Board oversight	<p>The board of trustees makes use of best practices to hire (an) effective school leader(s).</p> <p>The board of trustees regularly and systematically assesses the performance of (the) school leader(s) against clearly defined goals and makes effective and timely use of the evaluations.</p> <p>The board of trustees operates with a clear set of goals for the school and has developed a set of tools for understanding progress toward meeting those goals.</p> <p>The board of trustees manages the school in a manner that ensures academic success, organizational viability, and faithfulness to the terms of its charter.</p>
School leadership	School leaders administer the school in a manner that ensures academic success, organizational viability, and faithfulness to the terms of its charter.
Organizational planning	The school has realistic plans for program improvement, possible future expansion, and adequate facilities based on evaluation and analysis of data.
Family engagement	<p>The school involves parents/guardians as partners in the education of their children.</p> <p>Families and students are satisfied with the school's program.</p>
Coordinated Program Review	The school receives minimal findings in the Coordinated Program Review (CPR) process and immediately addresses any areas of non-compliance.
Safety	<p>The school establishes and maintains a physically safe environment for students and staff.</p> <p>The school establishes an environment free from harassment and discrimination for students and staff, and effectively addresses the social, emotional, and health needs of its students.</p>
Facilities	<p>The school provides facilities that meet applicable state and federal requirements.</p> <p>The school's facilities are suited to its program and are sufficient to serve diverse student needs.</p>
Employee qualifications	Employees of the school meet all applicable state and federal qualifications and standards.
Dissemination	The school has collaborated with its sending district(s) on the sharing of innovative practices and has provided models for replication and best practices.

Sources of Evidence:

Accountability Documents:

- Original charter application
- Accountability plan
- Charter amendments
- Annual reports
- Site visits
- Renewal inspection reports
- Summaries of review
- Contract and/or MOU

Governance and Leadership:

- Site visits – focus group interviews with leadership stakeholders
- Annual financial audits
- Budgets
- Capital plans
- Board minutes
- Staff data reports including exit interview summaries and teacher qualifications
- Staff surveys
- Policy documents
- Parent/family surveys
- Opening Procedures activities
- Recruitment and retention plans
- Board of trustees self evaluation or self study
- Evaluation of head of school and/or school leadership
- Handbooks- family, staff, student, board
- Operation manuals, including fiscal policies and procedures guides
- Enrollment numbers and student demographic profile

Student Achievement Data:

- MCAS scores
- Student growth percentile (SGP) data
- Sub-group analysis (including those that may be statistically insignificant for state reporting purposes) for English language learners and special education students
- AYP reports
- School identified and collected data
- Parent/family surveys

Academic Program Components:

- Site visits – classroom observations and school walk-through
- Review of curriculum documents
- Site visits – interviews
- Site visits – sample feedback tools, evaluation instruments
- Internal program evaluation reports

Compliance Documents:

- Coordinated Program Review (CPR) reports & Mid-Cycle Review reports
- Problem Resolution System complaints received and resolution status
- District Curriculum Accommodation Plan (DCAP)
- Special Education and English language learners program self-evaluation.
- Documentation of current Certificate of Occupancy, Health, Safety, and Fire inspections.
- Accessibility analysis

APPENDIX K: RESOURCE LIST FOR CHARTER SCHOOL FOUNDING GROUPS

This is a resource list of some organizations and documents that can be of assistance to those interested in starting a charter school in Massachusetts.

Disclaimer: Reference in this list to any specific commercial products, processes, or services, or the use of any trade, firm or corporation name is for the information and convenience of the public and does not constitute endorsement or recommendation by the Massachusetts Department of Elementary and Secondary Education.

Massachusetts Information Resources

Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street

Malden, MA 02148

Ph: (781) 338-3000 Fax: (781) 338-3220

Charter School Office Email: charterschools@doe.mass.edu

Website: <http://www.doe.mass.edu>

Charter School Office Website: <http://www.doe.mass.edu/charter>

Massachusetts Charter Public School Association

Marc Kenen, Executive Director

10 Tremont Street, 6th Floor

Boston, MA 02108

Ph: (617) 523-0881

Email: kenen@masscharterschools.org

Website: <http://www.masscharterschools.org>

Massachusetts Center for Charter Public School Excellence

John Tarvin, Executive Director

89 South Street, Suite 601

Boston, MA 02111

Ph: (617) 304-8436

Email: jtarvin@mccpse.org

Website: <http://www.mccpse.org>

National Information Resources

United States Department of Education

Public Charter Schools Program

U.S. Department of Education

400 Maryland Avenue, SW., Room 3C148

Washington, DC 20202-6140

Website: <http://www.uscharterschools.org>

National Association of Charter School Authorizers

105 W. Adams Street, Suite 3500

Chicago, IL 60603-6253

Ph: (312) 376-2300 Fax: (312) 376-2400

Email: loreleic@qualitycharter.org

Website: <http://www.qualitycharters.org>

Center for Education Reform

910 Seventeenth Street, NW, Suite 1120
Washington, DC 20006
Ph: (800) 521-2118 Fax: (301) 986-1826
Email: cer@edreform.com
Website: <http://www.edreform.com>

Education Commission of the States

700 Broadway, #810
Denver, CO 80203-3442
Ph: (303) 299-3600 Fax: (303) 296-8332
Email: ecs@ecs.org
Website: <http://www.ecs.org>

National Alliance for Public Charter Schools

1101 Fifteenth Street, NW, Suite 1010
Washington, DC 20005
Ph: (202) 289-2700 Fax: (202) 289-4009
Website: <http://www.publiccharters.org>

Center on Reinventing Public Education

University of Washington Bothell
Box 358200
Seattle, WA 98195
Ph: (206) 685-2214 Fax: (206) 221-7402
Email: crpe@u.washington.edu
Website: <http://www.crpe.org>

Horace Mann II Charter School – Additional Resource Documents

- Starting Fresh in Low-Performing Schools, National Association of Charter School Authorizers, Chicago, Illinois, 2007 - found online at http://www.qualitycharters.org/images/stories/Starting_Fresh_Series.pdf.
- The Turnaround Challenge, Massachusetts Insight Education & Research Institute Boston, MA, 2007 – found online at <http://www.massinsight.org/publications/turnaround/51/file/1/pubs/2010/04/15/TheTurnaroundChallengeMainReport.pdf>
- School Restructuring Under No Child Left - Behind What Works When? A Guide for Education Leaders, The Center for Comprehensive School Reform and Improvement, Washington, DC 2010 – found online at http://www.learningpt.org/pdfs/School_Restructuring_Guide.pdf
- LEA and School Improvement – Non-Regulatory Guidance – revised July 21, 2006. U.S. Department of Education, Washington, DC – found online at <http://www.ed.gov/policy/elsec/guid/schoolimprovementguid.doc>.
- Reopening as a Charter School, The Center for Comprehensive School Reform and Improvement, Washington, DC 2005 – found online at: <http://www.centerforsri.org/pubs/restructuring/KnowledgeIssues2Chartering.pdf>.